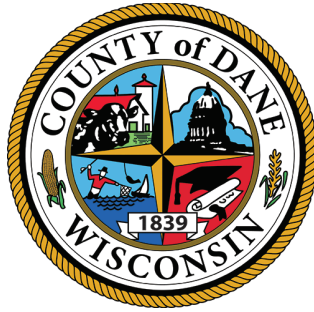


Dane County



Minutes

Tuesday, November 9, 2021

6:30 PM

Zoom Webinar ID: 914 0257 0152

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 Bollig called the November 9, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Lane, Everson, Standing, and Violante.

Supervisor Peters arrived at 7:12pm.

Present 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

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

No comments made by the public.

[2021](#)
[RPT-641](#)

November 9, 2021 meeting registrants

C. Consideration of Minutes

[2021](#)
[MIN-409](#)

Minutes of the October 26, 2021 Zoning and Land Regulation Committee meeting

A motion was made by KIEFER, seconded by DOOLAN, that the October 26th minutes be approved. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Absent: 1 - PETERS

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

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

11710

PETITION: REZONE 11710
APPLICANT: VINEY ACRES LLC
LOCATION: WEST OF 2173 NORA ROAD, SECTION 27, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,
FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland
Preservation District TO FP-1 Farmland Preservation District
REASON: creating 3 residential lots and 2 agricultural lots

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

1. The shared driveway easement for lots 1 and 2 shall be shown on the proposed Certified Survey Map.
2. The owner shall record a shared driveway access easement agreement meeting the requirements specified in section 75.19(8) for proposed lots 1 and 2.
3. The Certified Survey Map shall depict the 150'x150' "building envelope" as shown on the presented map. A note shall be added to the Certified Survey Map stating that, "All building constructed on Lots 1 & 2 shall be within the building envelope area as part of the conditions of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #11710".
4. The remnant property north of Nora Road (small triangle) shall be deeded to the adjacent landowner.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

11720

PETITION: REZONE 11720
APPLICANT: JOHN F BECKER
LOCATION: SOUTH OF 4313 BUCKLEY ROAD, SECTION 8, TOWN OF BURKE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-8 Rural Residential District
REASON: creating one residential lot

In favor: John Becker, Dan Paulson

**A motion was made by KIEFER, seconded by DOOLAN, that the Zoning Petition be recommended for denial. The motion carried by the following vote: 3-1
Finding: The area has the potential to flood.**

Ayes: 3 - BOLLIG,KIEFERandSMITH

Noes: 1 - DOOLAN

Excused: 1 - PETERS

11749

PETITION: REZONE 11749
APPLICANT: ROGER HARTMANN
LOCATION: NW OF 7240 COUNTY HIGHWAY Y, SECTION 5, TOWN OF DANE
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: to facilitate the settling of the darlene hartmann estate

In favor: Barret Van Sicklen

A motion was made by KIEFER, seconded by SMITH, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 5-0.

1. A deed restriction on the proposed FP-1 lot prohibiting any residential development. The parcel has no opportunities to build nor any building rights.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

02533

PETITION: CUP 02533
APPLICANT: 11ELEVEN LLC
LOCATION: 7069 APPLEWOOD DR., SECTION 27, TOWN OF MIDDLETON
CUP DESCRIPTION: daycare center

A motion was made by KIEFER, seconded by DOOLAN, that the Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote: 4-1. PETERS: Nay

**1. The day care center shall be limited to no more than 8 children.
2. The Family Child Care Home license from the Wisconsin Department of Children and Families under Wis. Stat. §48.65 shall be maintained.**

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Noes: 1 - PETERS

02536

PETITION: CUP 02536
APPLICANT: GERARD XAVIER
LOCATION: 3056 SHAW COURT, SECTION 5, TOWN OF DUNN
CUP DESCRIPTION: transient or tourist lodging

In favor: Gerarg Xavier

A motion was made by DOOLAN, seconded by SMITH, that the Conditional Use Permit be approved with 19 conditions. The motion carried by the following vote: 4-0, KIEFER abstained.

1. The rental period shall be between a minimum of 7 days to a maximum of 28 days.
2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 8 guests over 12 years old and no more than 10 total guests.
5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
6. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line. Garden solar lights that illuminate pathways by the lakefront are allowed as long as this light does not spill over the neighboring property line.
7. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
8. The CUP will terminate when the property is sold.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. 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 Uniform Dwelling Code.
11. 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.
12. 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.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. At least six off-street parking spaces must be provided, consistent with s. 10.102(8).
15. 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.

16. 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.

17. 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.

18. 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.

19. 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. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Abstain: 1 - KIEFER

02539

PETITION: CUP 02539

APPLICANT: STACEY BEAN

LOCATION: 2782 WHITE CROSSING ROAD, SECTION 7, TOWN OF VERONA

CUP DESCRIPTION: attached accessory dwelling unit-above garage in-law suite

In favor: Stacey Bean

A motion was made by SMITH, seconded by KIEFER, that the Conditional Use Permit be approved with 17 conditions. The motion carried by the following vote: 5-0.

- 1) No more than one attached accessory dwelling unit may be created.
- 2) The attached accessory dwelling unit shall not exceed 800 square feet of occupiable floor area and shall not have more than two bedrooms.
- 3) The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor from the property on which it sits.
- 4) The lot or parcel of land containing the accessory dwelling unit shall continue to be occupied by the owner of the premises. The owner may live in either the accessory dwelling unit or the principal residence.
- 5) The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings.
- 6) Accessory dwelling units must meet applicable residential building codes and sanitary codes.
- 7) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 8) 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.
- 9) Existing onsite wastewater sewage disposal systems 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.
- 10) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 11) Off-street parking must be provided, consistent with s. 10.102(8).
- 12) 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.
- 13) 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.
- 14) 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.
- 15) 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.

16) 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.

17) If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

F. Plats and Certified Survey Maps

G. Resolutions

[2021
RES-243](#)

CONTRACT FOR FLY DANE 2022 DIGITAL AERIAL ORTHO-IMAGERY PROJECT

In favor: Fred lausly

A motion was made by KIEFER, seconded by DOOLAN, that the Resolution be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

H. Ordinance Amendment

I. Items Requiring Committee Action

[2021
RPT-306](#)

Updated report of annual review of salvage yards
Staff recommends approval.

A motion was made by KIEFER, seconded by PETERS, that the Salvage Yard License for Michael Cutrano be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

J. Reports to Committee

K. Other Business Authorized by Law

A motion was made by KIEFER, seconded by DOOLAN, to have a discussion regarding in-person meetings at the November 23, 2021 ZLR Committee meeting. In-person meetings to possibly begin with the December 14th ZLR meeting. The motion carried unanimously.

Supervisor Doolan has requested that Staff prepare a report regarding actions that can be taken regarding affordable housing, specifically "tiny house" development, and what actions are necessary to allow for such land use.

L. Adjourn

A motion was made by KIEFER, seconded by SMITH, to adjourn the November 9, 2021 Zoning and Land Regulation Committee meeting at 7:58pm. The motion carried unanimously.

Questions? Contact Planning and Development Staff, 266-4266, or plandev@countyofdane.com.