

Dane County



Minutes

Monday, December 11, 2017

6:30 PM

City - County Building, ROOM 201

210 Martin Luther King Jr. Blvd., Madison
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Zoning & Land Regulation Committee

A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 201 of the City-County Building.

Staff present: Lane, and Violante

Supervisor Bollig arrived at 7:33pm

Present 5 - JERRY BOLLIG, MARY KOLAR, DENNIS O'LOUGHLIN, AL MATANO, and PATRICK MILES

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

[2017](#) December 11th meeting registrants
[RPT-534](#)

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

[11221](#) PETITION: REZONE 11221
APPLICANT: ANDREW J VEUM
LOCATION: 135 HOOPEN ROAD, SECTION 36, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District, A-1EX Agriculture District TO RH-4 Rural Homes District, RH-1 Rural Homes District TO RH-4 Rural Homes District
REASON: Expand existing lot

In favor: Andrew Veum

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postpone due to lack of town action. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11222](#) PETITION: REZONE 11222
APPLICANT: STEPHEN D FLACH
LOCATION: 8716 RIDGE DRIVE, SECTION 28, TOWN OF PRIMROSE
CHANGE FROM: A-2 (8) Agriculture District TO RH-3 Rural Homes District, A-1EX Agriculture District TO RH-3 Rural Homes District, A-1EX Agriculture District TO A-4 Agriculture District, A-2 Agriculture District TO A-4 Agriculture District
REASON: separating existing residence from farmland

In favor: Stephen Flach

Opposed: None

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

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11223](#)

PETITION: REZONE 11223
APPLICANT: JACOB A. REPPEN
LOCATION: 432 ALBION ROAD, SECTION 27, TOWN OF ALBION
CHANGE FROM: A-4 Agriculture District TO RH-4 Rural Homes District, A-2 (8) Agriculture District TO RH-4 Rural Homes District
REASON: separating existing residence from farmland and creating one residential lot

In favor: None

Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be postpone due to lack of representation. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11224](#)

PETITION: REZONE 11224
APPLICANT: PROPERTIES ON FISH LAKE LLC
LOCATION: WEST OF 8623 SCHOEPP ROAD, SECTION 3, TOWN OF ROXBURY
CHANGE FROM: RH-3 Rural Homes District TO RH-2 Rural Homes District
REASON: creating four residential lots

In favor: Matthew Hepola

Opposed: None

A motion was made by O'LOUGHLIN, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion failed by the following vote: 2-2.

Supervisor Matano and Miles expressed concerns regarding flooding in the area and the previous submittal of the same request in the past.

Ayes: 2 - KOLARandO'LOUGHLIN

Noes: 2 - MATANOandMILES

Excused: 1 - BOLLIG

A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning Petition be tabled. The motion carried by the following vote: 4-0. Time: 6:53pm.

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be removed from the table. The motion carried by the following vote: 5-0. Time: 7:53pm.

Ayes: 5 - BOLLIG,KOLAR,O'LOUGHLIN,MATANOandMILES

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-2 (No: Matano and Miles)

1. A deed restriction shall be recorded on the property to prohibit development below the 870-foot elevation mark.

Ayes: 3 - BOLLIG,KOLARandO'LOUGHLIN

Noes: 2 - MATANOandMILES

[11225](#)

PETITION: REZONE 11225

APPLICANT: STEVEN L JANSON

LOCATION: 4615 STATE HIGHWAY 73, SECTION 4, TOWN OF DEERFIELD

CHANGE FROM: C-2 Commercial District TO RH-3 Rural Homes District, A-1EX Agriculture District TO RH-3 Rural Homes District

REASON: creating one residential lot

In favor: Steve Hanson

Opposed: None

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

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11226](#)

PETITION: REZONE 11226

APPLICANT: LAURA DAVIS

LOCATION: 700 TAYLOR LANE, SECTION 20, TOWN OF DUNKIRK

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

REASON: zoning to allow for a limited family business

In favor: Laura Davis Robinson

Opposed: None.

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

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

CUP 02401

PETITION: CUP 02401
APPLICANT: LAURA DAVIS
LOCATION: 700 TAYLOR LANE, SECTION 20, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District
CUP DESCRIPTION: LIMITED FAMILY BUSINESS

In favor: Laura Davis Robinson
Opposed: None

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with 6 conditions contingent upon zoning petition #11226 becoming effective. The motion carried by the following vote: 4-0.

- 1. The conditional use permit is for a Limited Family Business – BroodMinder beekeeping support products and services.**
- 2. No retail sales permitted on the property.**
- 3. No outdoor storage or business signage allowed.**
- 4. Sanitary fixtures shall be permitted in the accessory structure housing the Limited Family Business. Sanitary fixtures shall be removed or terminated upon the expiration of the conditional use permit.**
- 5. The accessory building shall not be used for residential purposes.**
- 6. The Conditional Use Permit shall expire upon sale of the property to an unrelated 3rd party.**

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

11227

PETITION: REZONE 11227
APPLICANT: ELLERY JENSEN JR
LOCATION: 2998 GASTON ROAD, SECTION 6, TOWN OF COTTAGE GROVE
CHANGE FROM: A-2 Agriculture District TO A-2 (4) Agriculture District
REASON: separating existing residence from farmland

In favor: Tim Thorson
Opposed: None

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

- 1. Road right-of-way shall be dedicated to the public.**

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11228](#)

PETITION: REZONE 11228
APPLICANT: ROBERT A SWITZKY
LOCATION: 5459 COUNTY HIGHWAY A, SECTION 22, TOWN OF OREGON
CHANGE FROM: RH-3 Rural Homes District TO A-2 (8) Agriculture District
REASON: rezone and cup for sanitary fixtures in agricultural accessory building

In favor: Robert Switzky

Opposed: None

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

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[CUP 02402](#)

CUP 02402
APPLICANT: ROBERT A SWITZKY
LOCATION: 5459 COUNTY HIGHWAY A, SECTION 22, TOWN OF OREGON
CHANGE FROM: RH-3 Rural Homes District TO A-2 (8) Agriculture District
CUP DESCRIPTION: REZONE AND CUP FOR SANITARY FIXTURES IN AGRICULTURAL ACCESSORY BUILDING

In favor: Robert Switsky

Opposed: None

A motion was made by MATANO, seconded by MILES, that this Conditional Use Permit be approved with 5 conditions contingent upon zoning petition 11228 becoming effective. The motion carried by the following vote: 4-0.

1. The proposed use shall conform, in all respects, to the site plan and operational plan submitted as part of this application.
2. A bathroom with sanitary fixtures shall be allowed in the accessory building housing the sheep husbandry operation. Upon termination of the use, or prior to sale of the property to an unrelated 3rd party, the sanitary fixtures shall be removed, and the system shall be capped and disconnected from the septic system.
3. Prior to the installation of any sanitary facilities, the existing onsite wastewater treatment system shall be inspected by a licensed plumber to determine its capacity to handle estimated wastewater. Any deficiencies must be corrected, at the owner's expense, and the entire sanitary system brought into compliance with current sanitary code requirements for new construction.
4. No portion of the accessory building shall be used for human habitation.
5. Violation of any of these conditions shall be grounds for revocation of this conditional use permit.

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11229](#)

PETITION: REZONE 11229
APPLICANT: ARINGTON TREE FARM LLC
LOCATION: 1166 TILLUNG DRIVE, SECTION 8, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District, A-1EX Agriculture District TO RH-1 Rural Homes District, RH-1 Rural Homes District TO RH-2 Rural Homes District
REASON: rezone due to vacation of town road.

In favor: Joe Arrington
Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be postponed due to lack of Town action. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR, O'LOUGHLIN, MATANO and MILES

Excused: 1 - BOLLIG

[11230](#)

PETITION: REZONE 11230
APPLICANT: ERIKA A KLAHN
LOCATION: NORTH OF 4244 STATE HIGHWAY 138, SECTION 5, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating two residential lots

In favor: Kevin Klahn and Dan Enz
Opposed: Amy Ziebell stated that she was concerned about the additional houses in the neighborhood.

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be postponed due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR, O'LOUGHLIN, MATANO and MILES

Excused: 1 - BOLLIG

[11231](#)

PETITION: REZONE 11231
APPLICANT: KLONDIKE FARMS LLC
LOCATION: 1161 FLINT ROAD, SECTION 9, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating three lots and separating farm residence from the farmland

In favor: Kevin Klahn

Opposed: None

Gregg McKarns questioned if the new zoning would effect the current parking of vehicles for the speedway. The current land use will become a legal non-conforming land use.

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

A deed restriction shall be recorded on parcels 0510-092-9500-6, 0510-091-9070-8, 0510-094-8570-2, and 0510-093-8000-2 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,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11232](#)

PETITION: REZONE 11232
APPLICANT: KEVIN J SNITCHLER
LOCATION: 4704 ENCHANTED VALLEY ROAD, SECTION 6, TOWN OF MIDDLETON
CHANGE FROM: A-B Ag-Business District TO A-1 Agriculture District
REASON: removing zoning for a terminated agricultural business

In favor: Kevin Snitchler

Opposed: None

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

1. The certified survey map shall meet requirements of the Vierbicher letter dated October 25, 2017.

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11233](#)

PETITION: REZONE 11233

APPLICANT: GLENN C REYNOLDS

LOCATION: 1261 COUNTY HIGHWAY U, SECTION 10, TOWN OF PRIMROSE

CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District

REASON: zoning to allow for a limited family business

In favor: Glen Reynolds

Opposed: None

**A motion was made by MATANO, seconded by O'LOUGHLIN, that this Zoning
Petition be recommended for approval. The motion carried by the following vote:
4-0.**

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

CUP 02403

PETITION: CUP 02403
APPLICANT: GLENN C REYNOLDS
LOCATION: 1261 COUNTY HIGHWAY U, SECTION 10, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
CUP DESCRIPTION: SPOT REZONE AND CUP FOR LIMITED FAMILY BUSINESS AND
SANITARY FIXTURE APPROVALS

In favor: Glen Reynolds

Opposed: None

A motion was made by MATANO, seconded by MILES, that this Conditional Use Permit be approved with 12 conditions contingent upon zoning petition #11233 becoming effective. The motion carried by the following vote: 4-0.

- 1. The use is limited to a dance studio, with occasional indoor entertainment activities. Total attendance must not exceed 25 people at any given time.**
- 2. All activities must take place indoors. No trash receptacles or loudspeakers are permitted outdoors.**
- 3. Outdoor lighting must be downward-directed, and designed to limit spill onto neighboring properties.**
- 4. No more than one non-family employee is permitted.**
- 5. Landowner will provide 24 off-street parking spaces, consistent with the dimensions described in s. 10.18 and with gravel or impervious surface.**
- 6. Automobile traffic is limited to personal vehicles only. No buses, passenger vans or limousines permitted.**
- 7. The proposed use shall conform, in all respects, to the site plan and operational plan submitted as part of this application.**
- 8. Hours of operation shall be limited to: 4 p.m. to 8 p.m. on weekdays and 9 a.m. to 11:30 p.m. on weekends.**
- 9. Plumbing fixtures shall be allowed in the the accessory building. The sanitary fixtures are intended to support the commercial and agricultural uses on the property. Using the sanitary fixtures for residential purposes or used to support living quarters in the the accessory building is strictly prohibited.**
- 10. Prior to the installation of any sanitary facilities, the existing onsite wastewater treatment system shall be inspected by a licensed plumber to determine its capacity to handle estimated wastewater at peak capacity. Any deficiencies must be corrected, at the owner's expense, and the entire sanitary system brought into compliance with current sanitary code requirements for new construction.**
- 11. No portion of the accessory building shall be used for human habitation.**
- 12. Violation of any of these conditions shall be grounds for revocation of the Conditional Use Permit.**

Ayes: 4 - KOLAR, O'LOUGHLIN, MATANO and MILES

Excused: 1 - BOLLIG

[2017 OA-041](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of COTTAGE GROVE Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

In favor: None
Opposed: None

A motion was made by MATANO, seconded by MILES, that this Ordinance be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

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

[11203](#) PETITION: REZONE 11203
APPLICANT: JEFFERY S MOERKE
LOCATION: SOUTH OF 4626 STATE HIGHWAY 73, SECTION 4, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating four residential lots

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

- 1. The lot boundaries shall be revised as presented and assigned the zoning district classification of RH-2 Rural Homes.**
- 2. Lots 1&2 shall be adjusted to have a size between 4 to 5 acres.**
- 3. A 200-foot development restriction area shall be placed along the east property line of Lots 3 & 4. The area shall be shown on the certified survey map.**
- 4. A shared driveway easement agreement meeting the requirements of section 75.19(8)(f), Dane County Code, shall be recorded on the properties.**

Ayes: 4 - KOLAR,O'LOUGHLIN,MATANOandMILES

Excused: 1 - BOLLIG

[11215](#)

PETITION: REZONE 11215
APPLICANT: COONS CONSTRUCTION OF VERONA LLC
LOCATION: 3151 SHADY OAK LANE, SECTION 5, TOWN OF VERONA
CHANGE FROM: RH-4 Rural Homes District TO R-4 Residence District
REASON: Creation of a condominium plat consisting of 13 single-family units

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

- 1. A developer's agreement shall be approved by the Town Board and Town attorney for the development of the property.**
- 2. A deed restriction shall be recorded on the property which limits the use of the property to 13 single-family dwelling units located on areas no less than 1 1/2 acres each. The property will have 3 common space areas.**
- 3. The language within the declaration of the condominium plat shall be approved by the Town Board prior to the recording of the condominium plat.**

Ayes: 5 - BOLLIG,KOLAR,O'LOUGHLIN,MATANOandMILES

[11218](#)

PETITION: REZONE 11218
APPLICANT: GARY E THALACKER
LOCATION: 495 COUNTY HIGHWAY X, SECTION 29, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: separating farm land from residence and farm accessory buildings

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

Ayes: 5 - BOLLIG,KOLAR,O'LOUGHLIN,MATANOandMILES

F. Plats and Certified Survey Maps

[2017 LD-043](#) Shared Access Exception - Jeffrey Moerke
Town of Deerfield
Rezone #11203

A motion was made by MILES, seconded by MATANO, that the Shared Access Exception be approved. The motion carried by a voice vote. 5-0.

[2017 LD-040](#) Snitchler proposed 4-lot CSM
Town of Middleton

A motion was made by MILES, seconded by O'LOUGHLIN, that the Land Division be approved. The motion carried by a voice vote. 5-0.

G. Resolutions

H. Ordinance Amendment

[2017 OA-041](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of COTTAGE GROVE Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

I. Items Requiring Committee Action

J. Reports to Committee

[2017 RPT-530](#) Report of approved Certified Survey Maps

No comments by the Committee.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by MILES, seconded by MATANO, to adjourn the December 11th ZLR Committee meeting at 8:01pm. The motion carried unanimously.

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