

Dane County



Minutes

Tuesday, January 25, 2022

6:30 PM

ZOOM Webinar ID: 936 2724 6212

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 January 25, 2022 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff in attendance: Allan, Everson, Lane, and Violante

Present 4 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, and SARAH SMITH

Excused 1 - TIM KIEFER

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

No public comments.

[2021](#)
[RPT-812](#)

January 25th ZLR Committee meeting registrants

C. Consideration of Minutes

No minutes to take action.

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

[11782](#)

PETITION: REZONE 11782

APPLICANT: ARLEN & HENNY LUND

LOCATION: 11 E ROCKDALE ROAD, SECTION 24, TOWN OF CHRISTIANA

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: Virginia Kravik, Alan Lund

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

1. The owner shall record a deed restriction on the RM-16 acre parcel prohibiting further development or division.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11783](#)

PETITION: REZONE 11783
APPLICANT: DAVID J GARFOOT
LOCATION: 8670 GARFOOT DRIVE, SECTION 10, TOWN OF PRIMROSE
CHANGE FROM: SFR-08 Single Family Residential District TO RR-2 Rural Residential District,
FP-35 Farmland Preservation District TO RR-4 Rural Residential District and RR-2 Rural
Residential District
REASON: adding 2.82 acres of land to two existing residential lots

In support: Jami Erickson, David Garfoot

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

1. The certified survey map shall depict a hatch marked area noting “residential development is prohibited in this area” as approved by the Town of Primrose.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11784](#)

PETITION: REZONE 11784
APPLICANT: REBECCA J MESDJIAN
LOCATION: WEST OF 5607 NETHERWOOD ROAD, SECTION 4, TOWN OF OREGON
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: creating one residential lot

In support: Jon Hageman. In opposition: Raymond Hillgers

A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be postponed due to no town action and opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11785](#)

PETITION: REZONE 11785
APPLICANT: QUARTER MILE DRIVE LLC
LOCATION: 4941 STATE HIGHWAY 78, SECTION 34, TOWN OF BLACK EARTH
CHANGE FROM: RM-16 Rural Mixed-Use District TO FP-35 Farmland Preservation District
REASON: correcting boundaries of an existing residential lot

In support: John Halverson

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

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11786](#)

PETITION: REZONE 11786
APPLICANT: LJC PROPERTIES LLC
LOCATION: 6729 PATTON ROAD, SECTION 28, TOWN OF VIENNA
CHANGE FROM: SFR-1 Single Family Residential District TO RM-16 Rural Mixed-Use District
REASON: consolidate properties to allow for a limited family business to occur on property - heating contractor

In support: James Chansler

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

- 1. Seasonal Storage only with no further individual units added to the facility;**
- 2. Current units to be used in limited family business (HVAC Contractor) by owner to store materials and equipment;**
- 3. Prohibit outside storage of construction equipment, recreational vehicles, and construction materials;**
- 4. No additional buildings or structures added to property.**

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11787](#)

PETITION: REZONE 11787
APPLICANT: DANIEL MARSHALL
LOCATION: 253 UNION ROAD, SECTION 35, TOWN OF OREGON
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,
RR-4 Rural Residential District TO FP-35 Farmland Preservation District
REASON: shifting of property lines between adjacent land owners

In support: Larry Glusman

A motion was made by SMITH, seconded by PETERS, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11788](#)

PETITION: REZONE 11788
APPLICANT: THOMAS M AND JULIA A WILLAN
LOCATION: 4407 VILAS HOPE ROAD, SECTION 7, TOWN OF COTTAGE GROVE
CHANGE FROM: RR-2 Rural Residential District TO FP-B Farmland Preservation Business District
REASON: change zoning to allow permitted uses in the Farmland Preservation Business FP-B Zoning District (land use unknown)

In support: Thomas and Julia Willan

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be postponed to allow more time for the Committee to review the submitted information and obtain additional staff input. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11789](#)

PETITION: REZONE 11789
APPLICANT: CARBON CYCLE CONSULTING LLC
LOCATION: 464 CANAL ROAD, SECTION 2, TOWN OF MEDINA
CHANGE FROM: FP-35 Farmland Preservation District TO FP-B Farmland Preservation Business District
REASON: change zoning to allow for the composting of manure and agricultural by-products

In support: Jason Fuller. In opposition: Lonnie Benesch, Carla Buchannan

A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be postponed due to opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11790](#)

PETITION: REZONE 11790
APPLICANT: TOM MAGNUSON
LOCATION: NE OF INTERSECTION OF COUNTY HWY P AND COUNTY HWY PD, SECTION 16, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural Residential District and RR-4 Rural Residential District
REASON: creating one residential lot

In support: Tom Magnuson

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

1. Further land division of Lot 1 and 2 is prohibited.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11791](#)

PETITION: REZONE 11791
APPLICANT: SIMPLY HOMES PROPERTY MANAGEMENT LLC
LOCATION: 533 WATERLOO ROAD, SECTION 15, TOWN OF MEDINA
CHANGE FROM: SFR-08 Single Family Residential District TO HC Heavy Commercial District
REASON: change zoning to allow for vehicle sales and repair

In support: James McFadden, GEORGE P. BOYER JR. In opposition: Jeff Weigand, Sue Peck, Cory Buye

A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be postponed due to opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11792](#)

PETITION: REZONE 11792
APPLICANT: TODD AND ANNE CARLSON
LOCATION: WEST OF 1997 SPRING ROSE ROAD, SECTION 25, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural Residential District
REASON: creating a residential zoning boundary for a single-family residence on a 63-acre property

In support: Jerod Bennett

A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11793](#)

PETITION: REZONE 11793
APPLICANT: TERRY L PECKHAM
LOCATION: 2080 COUNTY HWY BB, SECTION 11, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
and RR-2 Rural Residential District
REASON: separating the existing residence from the farmland; creating a residential lot;
creating two agricultural lots

In support: Bruce Peckham

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

- 1. The proposed FP-1 parcels shall be deed restricted to prohibit development or division.**
- 2. The existing RR-2 zoning boundary surrounding the residence and buildings at 2080 CTH BB is 360' x 360'. Existing buildings on the property at 2080 CTH BB shall meet setback requirements to new lot lines. The existing septic system shall be within the proposed residential lot.**
- 3. Erosion control and stormwater management permits shall be obtained prior to construction of the driveway serving the proposed RR-2 parcel.**

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11794](#)

PETITION: REZONE 11794
APPLICANT: LESLIE & SAMIA SHALABI
LOCATION: SOUTH OF 7211 STATE HWY 78, SECTION 13, TOWN OF MAZOMANIE
CHANGE FROM: FP-1 Farmland Preservation District TO RR-1 Rural Residential District
REASON: creating one residential lot

In support: Leslie Shalabi

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

- 1. A notation shall be placed on the Certified Survey Map the states, "A zoning permit for a single-family residence shall not be issued until a wetland delineation report is conducted on the property by an assured delineator in order to determine the allowable building envelope on the property. The structure is required to meet wetland and highway setback requirements."**

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11795](#)

PETITION: REZONE 11795
APPLICANT: DENNIS C MIDTHUN
LOCATION: 2292 CTY HIGHWAY J, SECTION 23, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural Residential District and
SFR-1 Single Family Residential District
REASON: creating one residential lot and one residential zoning boundary

In support: Dennis Midthun

A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[11796](#)

PETITION: REZONE 11796
APPLICANT: SCOTT & CARLA FISCHER
LOCATION: 5408 LANGER ROAD, SECTION 20, TOWN OF MEDINA
CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District
REASON: creating one residential lot

In support: Scott and Carla Fischer

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[02548](#)

PETITION: CUP 02548
APPLICANT: EASTMAN HUNTING CLUB INC
LOCATION: 527 HILLSIDE ROAD, SECTION 26, TOWN OF ALBION
CUP DESCRIPTION: updating the hours of operation for an existing shooting range (cup 2330)

In support: Alan Foltman

A motion was made by PETERS, seconded by SMITH, that the Conditional Use Permit be approved with 16 conditions. The motion carried by the following vote: 4-0.

- 1. A deflecting roof shall be constructed and maintained over the 4-lane shooting range and skeet shooting area.**
- 2. Shooting of firearms is limited to 8:00am to 9:00pm.**
- 3. The area for the incidental sales of firearms shall be not larger than 10% of the floor area of the lodge.**
- 4. Any conditions required for specific uses listed under s. 10.103.**
- 5. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 6. 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 Commercial Building Code or Uniform Dwelling Code.**
- 7. 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.**
- 8. 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.**
- 9. Existing onsite wastewater sewage disposal systems, if any, 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.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[02549](#)

PETITION: CUP 02549
APPLICANT: LJC PROPERTIES LLC
LOCATION: 6729 PATTON ROAD, SECTION 28, TOWN OF VIENNA
CUP DESCRIPTION: limited family business - heating contractor

In support: James Chancellor

A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with 21 conditions. The motion carried by the following vote: 4-0.

- 1. Seasonal Storage only with no further individual units added to the facility;**
- 2. Current units to be used in limited family business (HVAC Contractor) by owner to store materials and equipment;**
- 3. Prohibit outside storage of construction equipment, recreational vehicles, and construction materials;**
- 4. No additional buildings or structures shall be added to property.**
- 5. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.**
- 6. Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings.**
- 7. Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.**
- 8. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.**
- 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 Commercial Building Code or 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. Existing onsite wastewater sewage disposal systems, if any, 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.**
- 14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 15. Any off-street parking spaces provided must be consistent with s. 10.102(8).**
- 16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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

Excused: 1 - KIEFER

[02550](#)

PETITION: CUP 02550
APPLICANT: CARBON CYCLE CONSULTING LLC
LOCATION: 464 CANAL ROAD, SECTION 2, TOWN OF MEDINA
CUP DESCRIPTION: composting facility / manure processing facility

In support: Jason Fuller. In opposition: Lonnie Benesch

A motion was made by PETERS, seconded by SMITH, that the Conditional Use Permit be postponed due to opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[02551](#)

PETITION: CUP 02551
APPLICANT: JASON & MARY ELLEN MACKEY
LOCATION: 648 TAYLOR LANE, SECTION 20, TOWN OF DUNKIRK
CUP DESCRIPTION: allow for the construction of a taller accessory building (16 feet mean elevation)

In support: Mary Ellen Mackey

A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with 6 conditions. The motion carried by the following vote: 4-0.

- 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 16 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 re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.**

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

[02552](#)

PETITION: CUP 02552
APPLICANT: JALATEEFA L JOE-MEYERS
LOCATION: 10291 / 10297 US HIGHWAY 14, SECTION 15, TOWN OF MAZOMANIE
CUP DESCRIPTION: institutional residential facility

In support: Jalateefa Joe-Meyers

County Staff informed the Committee that the Town of Mazomanie denied the conditional use permit application. The Town determined that the application did not meet Standards 1 and 7 of obtaining a conditional use permit. No action was taken by the Committee pursuant to Dane County Code of Ordinance Section 10.101(7)(c)2.c.

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

F. Plats and Certified Survey Maps

[2021 LD-014](#) Wallace proposed land division waiver request.
Town of Dunn
Applicant is seeking a waiver from the minimum 66-foot public road frontage requirements for lot 2.

A motion was made by PETERS, seconded by SMITH, that the Land Division waiver be approved. The motion carried by the following vote: 4-0.

Finding of fact: No new lots are being created and this is a lot line adjustment of a previous Certified Survey Map.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by PETERS, seconded by DOOLAN, that the meeting be adjourned at 8:55 PM. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandSMITH

Excused: 1 - KIEFER

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