

Dane County



Minutes

Tuesday, November 15, 2022

6:30 PM

See below for additional instructions on how to attend the meeting and provide public testimony.
Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

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 November 15, 2022 Zoning and Land Regulation Committee meeting to order at 6:30 PM.

Staff present: Violante, Lane, Holloway, Standing, Everson

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and KATE MCGINNITY

Excused 1 - MELISSA RATCLIFF

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

No comments made by the public.

[2022](#)
[RPT-540](#)

November 15, 2022 ZLR Registrants

C. Consideration of Minutes

[2022](#)
[MIN-386](#)

Minutes of the October 25, 2022 Zoning and Land Regulation Committee meeting

A motion was made by BOLLIG, seconded by MCGINNITY, that the Minutes be approved. The motion carried by the following vote:

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

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

[11901](#)

PETITION: REZONE 11901

APPLICANT: DIANNE ROELKE

LOCATION: SOUTH OF 5706 OLD HIGHWAY 78, SECTION 15, TOWN OF MAZOMANIE

CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,

UTR Utility, Transportation and ROW District TO RR-4 Rural Residential District

REASON: creating one residential lot

In support: Diane Roelke and Donna Duhr

Opposed: None

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

1. A deed restriction shall be recorded on parcels 080615384150, 080615490010, 080615485024, and 080615495602 to prohibit further residential development on the remaining FP-35 zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11902](#)

PETITION: REZONE 11902
APPLICANT: STRIKE EAGLE LLC
LOCATION: WEST OF 8712 ZAHLER DRIVE, SECTION 27, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural Residential District, AT-35
Agriculture Transition District TO RR-1 Rural Residential District
REASON: creating two residential lots

In support: John Krebs

Opposed: None

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

**1. The landowner shall record a deed restriction on both new CSM lots
prohibiting further division.**

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11903](#)

PETITION: REZONE 11903
APPLICANT: DD ACRES LLC
LOCATION: 5590 EASY STREET, SECTION 33, TOWN OF VIENNA
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,
FP-35 Farmland Preservation District TO RM-8 Rural Mixed-Use District
REASON: separate existing residence and farm buildings from farmland

In support: Patrick Maier

Opposed: None

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

**1. Land owner shall have a manure management plan in place and comply with
Chapter NR 151, Subchapter II, Wisconsin Administrative Code.**

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11904](#)

PETITION: REZONE 11904
APPLICANT: DIANE KARLS ESTATE (AUDREY PRIEVE)
LOCATION: 7906 GLUTH ROAD, SECTION 5, TOWN OF DANE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: separating existing residence from farmland

In support: Audrey Prieve

Opposed: None

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

1. The shed building located within Gluth Road right-of-way may not be rebuilt or repaired.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11905](#)

PETITION: REZONE 11905
APPLICANT: OREGON FARM LTD PARTNERSHIP
LOCATION: 1264, 1275, 1276 LATHERS ROAD AND LANDS TO SOUTH, SECTION 10, TOWN OF OREGON
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-2 Single Family Residential District, RM-8 Rural Mixed-Use District TO SFR-2 Single Family Residential District, RM-8 Rural Mixed-Use District TO RR-4 Rural Residential District, AT-35 Agriculture Transition District TO RR-4 Rural Residential District, SFR-08 Single Family Residential District TO SFR-1 Single Family Residential District
REASON: create two new residential lots and modify other lot boundaries

In support: Mark Peterson, Phil Peterson

Opposed: None

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.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11906](#)

PETITION: REZONE 11906
APPLICANT: KUHL JT IRREV LIVING TR, ROBERT M & ALTHEA C
LOCATION: 5260 TOWER LINE ROAD, SECTION 26, TOWN OF MEDINA
CHANGE FROM: RM-8 Rural Mixed-Use District TO RR-4 Rural Residential District
REASON: creating two residential lots

In support: Jim Lowrey

Opposed: None

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. Owner of Robert M & Althea C Kuhl Joint Irrevocable Living Trust shall record a deed restriction on vacant FP-35 zoned parcels 081223495010, 081224390010, and 081226180010 prohibiting further non-farm development in accordance with Town of Medina plan policies, as the housing density units have been exhausted.

2. The owner shall record deed restrictions on the proposed RR-4 parcels limiting the keeping of livestock in accordance with the Town of Medina animal unit restrictions.

3. A joint driveway agreement shall be recorded with the Register of Deeds for the benefit of proposed Lot 3 and Lot 2 of CSM 14601 to the south.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11907](#)

PETITION: REZONE 11907
APPLICANT: KEVIN SKADAHL & ANNA HINCHLEY-SKADAHL
LOCATION: 2709 CLEAR VIEW RD, SECTION 10, TOWN OF CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: separating existing residence from farmland

In support: Anna Hinchley-Skadahl, Kevin Skadahl

Opposed: None

A motion was made by BOLLIG, seconded by MCGINNITY to suspend the rules and allow for the town action to be accepted. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

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.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11908](#)

PETITION: REZONE 11908
APPLICANT: D SOMMERFELD PROPERTY LLC
LOCATION: 331-335 N. NINE MOUND RD, SECTION 16, TOWN OF VERONA
CHANGE FROM: LC Limited Commercial District TO GC General Commercial District
REASON: change zoning to allow for a hair salon business

In support: Doug Sommerfeld

Opposed: None

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.

A deed restriction shall be recorded on the property which states:

1. Land uses on the property shall be limited exclusively to the following:

a. Contractor, landscaping or building trade operations

b. Undeveloped natural resource and open space areas

c. Office uses

d. Indoor sales

e. Indoor storage and repair

f. Personal or professional service

g. A transportation, utility, communication or other use required by law

h. Utility services associated with a permitted use

2. Any dumpsters kept outdoors shall be screened from view of the public and surrounding residences.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[02577](#)

PETITION: CUP 02577
APPLICANT: REGENT OF UNIV OF WIS 310 PETERSON BLDG
LOCATION: 3725 SCHNEIDER DRIVE, SECTION 27, TOWN OF DUNN
CUP DESCRIPTION: solar array electric generating facility - 15 acres

In support: Hannah Stahmann, Mikhaila Calice, Missy Nergard, John Daugherty, Josh Sherry, Aaron Williams, Jim Boullion, Gary Anderson, Ameya Baxi, Nolan Stumpf, Michael Vickerman, Will Awve, Sarah Glover, Amanda Thomas, and Josh Arnold

Opposition: Patricia Dennis, Kathy Layton, Mary Martinson, Travis Martinson, Mary Ann Ace, Gordon Ace, Tyler Martinson, Kimberly Pertzborn, and Brian Tiedt

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[2022 OA-030](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE DANE COUNTY FARMLAND PRESERVATION PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN.

In support: Renee Lauber and Jessica Barmack
Opposed: None

A motion was made by KIEFER, seconded by BOLLIG, to amend the language in the Dane County Farmland Preservation Plan in accordance with the suggestion noted in the letter dated November 11, 2022 from the Capital Area Regional Plan Commission. The motion carried by the following vote: 4-0

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

A motion was made by KIEFER, seconded by MCGINNITY, that Ordinance 2022 OA-030 be recommended for approval as amended. The motion carried by the following vote: 4-0

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

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

[11871](#) PETITION: REZONE 11871
APPLICANT: GARY L BAUMGARTNER
LOCATION: 9808 CTH A, SECTION 23, TOWN OF PERRY
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 with conditions. The motion carried by the following vote: 4-0.

- 1. The zoning district classification shall be amended to RR-4 Rural Residential Zoning District.**
- 2. A certified survey map be recorded with the Register of Deeds.**

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

[2022 OA-030](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE DANE COUNTY FARMLAND PRESERVATION PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN.

In support: Renee Lauber

See motion above.

I. Items Requiring Committee Action

[2022 ACT-175](#) Site Plan Review for the relocation of a farm residence within the FP-35 Farmland Preservation Zoning District
Applicant: David and Tammie Smithback
Location: 2671 Straus Drive, Section 12, Town of Pleasant Springs

In support: Chris Miller

A motion was made by MCGINNITY, seconded by BOLLIG, to approve the site plan with one condition. The motion carried by the following vote: 4-0.

1. The existing residence to be removed within 90 days after occupancy of the new house.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

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

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF