

# **Dane County**



## **Minutes**

**Tuesday, August 22, 2017**

**6:30 PM**

**City - County Building, ROOM 354  
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 354 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members present: Sam Fischer.

Present 4 - MARY KOLAR, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

Excused 1 - JERRY BOLLIG

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

No comments made by the public.

[2017](#)  
[RPT-293](#)

Registrants of the August 22nd ZLR Committee meeting

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

[11143](#)

PETITION: REZONE 11143

APPLICANT: ROBERT J VAN DAALWYK

LOCATION: 3424 LAKE FARM ROAD, SECTION 31, TOWN OF BLOOMING GROVE

CHANGE FROM: A-2 Agriculture District TO A-4 Agriculture District, A-2 Agriculture District TO A-2 (4) Agriculture District and A-2 Agriculture District TO LC-1 Limited Commercial District

REASON: creating one residential lot and one lot for business

*Comments: Bob Uphoff stated that he owned land to the south and west of the proposed zoning area. The land in this area is designated as an environmental conservancy area and agriculture easements have been place on the land to preserve farming in this area.*

A motion was made by MATANO, seconded by MILES, that the Zoning Petition be tabled due to lack of representation. The motion carried by a voice vote. Time: 6:42pm.

A motion was made by MILES, seconded by MATANO, that the Zoning Petition be removed from the table. The motion carried by a voice vote. Time: 7:14pm.

*In favor: Robert Daalwyk*

*Opposed: None*

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

1. A deed restriction shall be placed on the LC-1 zoning lot to limit the land uses to contractor businesses, transportation businesses, building trade businesses, and landscaping operations.

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

Excused: 1 - BOLLIG

CUP 2380

CUP 2380

APPLICANT: ROBERT J VAN DAALWYK

LOCATION: 3424 LAKE FARM ROAD, SECTION 31, TOWN OF BLOOMING GROVE

CHANGE FROM: A-2 Agriculture District TO A-4 Agriculture District, A-2 Agriculture District TO A-2 (4) Agriculture District and A-2 Agriculture District TO LC-1 Limited Commercial District

CUP DESCRIPTION: SINGLE FAMILY RESIDENCE IN THE LC-1 ZONING DISTRICT

*In favor: Robert Daalwyk*

*Opposed: None*

**A motion was made by O'LOUGHLIN, seconded by MILES, that this Conditional Use Permit be approved with conditions contingent upon rezoning petition 11143 becoming effective. The motion carried by the following vote: 4-0.**

**1. The single-family house located on the LC-1 zoned property may only be occupied by the business owner. General rental of the residence is prohibited. The house may used for business activities (office) for the business located on the lot.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11170

PETITION: REZONE 11170

APPLICANT: LAURA J HOEPKER

LOCATION: 2904 MCCONNELL ROAD, SECTION 8, TOWN OF PLEASANT SPRINGS

CHANGE FROM: R-1A Residence District TO RH-1 Rural Homes District

REASON: allow animal units

*In favor: Brad Warren and Laura Hoepker*

*Opposed: None*

**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) A deed restriction shall be recorded on the property to identify that the housing density rights are exhausted; any structure housing livestock shall be located a minimum of 50 feet away from the side and rear property lines and a minimum of 100 feet away from the southerly property line abutting the R-1A property; the property may not house more than 50 fowl.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

[11171](#)

PETITION: REZONE 11171  
APPLICANT: EUGENE LOWE  
LOCATION: 7169 MARSHALL ROAD, SECTION 15, TOWN OF YORK  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: separating existing residence from farmland

*In favor: Gerald Brabender*  
*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,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

[11172](#)

PETITION: REZONE 11172  
APPLICANT: THE PEOPLES COMMUNITY BANK  
LOCATION: WEST OF 4952 COUNTY HIGHWAY F, SECTION 33, TOWN OF BLACK EARTH  
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District and A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: creating two residential lots

*In favor: John Halverson*  
*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: 3-1 (Miles).**

**Ayes:** 3 - KOLAR,MATANOandO'LOUGHLIN

**Noes:** 1 - MILES

**Excused:** 1 - BOLLIG

[11173](#)

PETITION: REZONE 11173  
APPLICANT: DANIEL R LEGROS  
LOCATION: OLD 69 AT STATE HIGHWAY 92, SECTION 36, TOWN OF PRIMROSE  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District and A-1EX Agriculture District TO A-2 (2) Agriculture District  
REASON: creating two residential lots

*In favor: Daniel Legros*  
*Opposed: None*

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

**1. A deed restriction shall be recorded on the A-2(2) parcel (proposed outlot 1) to prohibit residential development.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

[11174](#)

PETITION: REZONE 11174  
APPLICANT: TAD S SHUMAKER  
LOCATION: 1691 COUNTY HIGHWAY A, SECTION 13, TOWN OF DUNKIRK  
CHANGE FROM: R-1 Residence District TO A-1EX Agriculture District, A-1EX Agriculture District TO RH-2 Rural Homes District and R-1 Residence District TO RH-2 Rural Homes District  
REASON: shifting of property lines between adjacent land owners

*In favor: Tad Shumaker*

*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, MATANO, MILES and O'LOUGHLIN

**Excused:** 1 - BOLLIG

[11175](#)

PETITION: REZONE 11175  
APPLICANT: JEFFREY C ZIMMERMAN  
LOCATION: 4973 RIDGE ROAD, SECTION 36, TOWN OF SUN PRAIRIE  
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District  
REASON: separating existing residence from farmland

*In favor: Jeff Zimmerman*

*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, MATANO, MILES and O'LOUGHLIN

**Excused:** 1 - BOLLIG

[11176](#)

PETITION: REZONE 11176  
APPLICANT: NATHANIEL Q ALTFEATHER  
LOCATION: 4293 MAHONEY ROAD, SECTION 17, TOWN OF DUNN  
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District  
REASON: shifting of property lines between adjacent land owners

*In favor: None*

*Opposed: None*

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

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

**Excused:** 1 - BOLLIG

11177

PETITION: REZONE 11177  
APPLICANT: TOWN OF BERRY  
LOCATION: SECTION 3, TOWN OF BERRY  
CHANGE FROM: A-2 Agriculture District TO A-4 Agriculture District  
REASON: compliance with the town of berry comprehensive plan

*In favor: Town Chair Anthony Varda*  
*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,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11179

PETITION: REZONE 11179  
APPLICANT: ALICE A ASLESON  
LOCATION: 2409 ASLESON ROAD, SECTION 13, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District  
REASON: separating existing residence from farmland

*In favor: Alice Asleson*  
*Opposed: None*

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

- 1. An agricultural easement shall be recorded to allow access to adjacent farmland from driveway.**
- 2. The single family residence and associated septic shall be located on the proposed lot.**
- 3. The lot shall not be divided.**
- 4. The new parcel cannot include the drainage ditch to allow Ag Preservation and maintenance to farmer or renter.**
- 5. The driveway access needs to be at least 66 feet wide at all points.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

## **D. Zoning Map Amendments and Conditional Use Permits from previous meetings**

11167

PETITION: REZONE 11167  
APPLICANT: JANET H HOOPES  
LOCATION: 4690 COUNTY HIGHWAY J, SECTION 29, TOWN OF CROSS PLAINS  
CHANGE FROM: RH-2 Rural Homes District TO A-2 Agriculture District, A-1EX Agriculture District TO A-2 Agriculture District  
REASON: creating three residential lots

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

**1. A deed restriction shall be recorded on the property to prohibit further land divisions of the A-2 zoned properties.**

## **E. Plats and Certified Survey Maps**

2017 LD-025

Final Plat - Welcome Homes  
Town of Middleton  
Staff recommends conditional approval

**A motion was made by MATANO, seconded by MILES, that the final plat be approved with conditions. The motion carried by a voice vote, 4-0.**

- 1. Compliance with the Dane County Comprehensive Plan is to be established.**
- 2. The public park land appropriation requirement is to be satisfied.**
- 3. All streets shall be noted as dedicated to the public.**
- 4. Outlots appear to be reserved for stormwater management.**
  - A note is to be designated on OL 2 that states "No development is allowed on Outlot 2".**
- 5. Utility easements are to be provided.**
- 6. Grading and surfacing. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Middleton.**
- 7. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.**
- 8. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.**
  - A stormwater permit is required and new development standards must be met.**
- 9. The required approval certificates are to be satisfied.**
  - Town of Middleton**
  - Dane County**

2017 LD-026

Final Plat - Spruce Hollow Replat No. 1  
Town of Middleton  
Staff recommends that the plat is ready for final signature.

**A motion was made by MILES, seconded by MATANO, that the final plat be signed. The motion carried by a voice vote, 4-0. Chair KOLAR signed the plat.**

## **F. Resolutions**

**G. Ordinance Amendment**

**H. Items Requiring Committee Action**

**I. Reports to Committee**

[2017](#)  
[RPT-284](#)

Report of Salvage Yard Permits

John Rowley - Town of Verona  
Richard Diehl - Town of Vienna  
Brian Outhouse - Town of Perry  
Steve Suter - Town of Blooming Grove  
John Mullarkey - Town of Oregon  
Michael Cutrano - Town of Christiana  
Thayer Every - Town of Dunkirk

Staff recommends that all licenses be approved.

**A motion was made by MATANO, seconded by O'LOUGHLIN, that the salvage yard licenses be approved. The motion carried by a voice vote, 4-0.**

[2017](#)  
[RPT-285](#)

Report of approved Certified Survey Maps

**J. Other Business Authorized by Law**

**K. Adjourn**

**A motion was made by MILES, seconded by MATANO, to adjourn the August 22, 2017 Zoning and Land Regulation Committee meeting at 7:35pm. The motion carried unanimously.**

*Questions? Contact Roger Lane, Planning and Development Department, 266-4266, [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)*