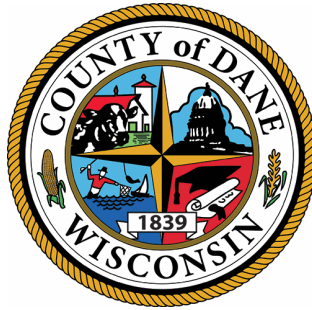


# Dane County



## Minutes

Tuesday, January 26, 2021

6:30 PM

ZOOM meeting Webinar ID: 895 3468 6356

Town of Christiana Town Board and Plan Commission attending

### 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 26, 2021 meeting of the Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Allan, Andros, Everson, Lane, and Violante

Youth Governance member present: Baluck Deang

**Present** 4 - JERRY BOLLIG, STEVEN PETERS, TIM KIEFER, and SARAH SMITH

**Excused** 1 - MICHELE DOOLAN

### *Call to order of the Town of Christiana Town Board*

Town of Christiana Chair Maureen Lien call to order the January 26, 2021 meeting of the Town Board to conduct a public hearing regarding Conditional Use Permit #2509. Members present: Chair Maureen Lien, Jim Lowrey, and Jeff Notstad.

### *Call to order of the Town of Christiana Plan Commission*

Town Supervisor Jim Lowrey called to order the January 26, 2021 meeting of the Town of Christiana Plan Commission to conduct a public hearing regarding Conditional Use Permit #2509. Members present: Jim Lowrey, Cindy Cutrano, Adam Travis, and Tom Jelinek. Excused: Duane Henchley.

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

No comments made by the public.

[2020](#)  
[RPT-699](#)

Jan 26th ZLR meeting registrants

## C. Consideration of Minutes

[2020](#)  
[MIN-385](#)

Minutes of the January 12, 2021 Zoning and Land Regulation Committee meeting

A motion was made by KIEFER, seconded by PETERS, that the minutes of the January 12, 2021 meeting of the Zoning and Land Regulation Committee be approved. The motion carried unanimously. The motion carried by a voice vote.

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

CUP 2509

PETITION: CUP 02509

APPLICANT: JAMES NOTSTAD LIVING TRUST

LOCATION: EAST I 39/90 BETWEEN COUNTY HIGHWAY B AND CHURCH ROAD, SECTION 29, TOWN OF CHRISTIANA

CUP DESCRIPTION: mineral extraction

*In favor: Jeff Furseth, Jerry Connley, Rachael Halverson, Jodi White*

*Opposed: Jeremy Knudson, Carie Nelson, Karen Paxson, Brett Daggett, Kerry Marren, and Jim Notstad. The speakers expressed concerns regarding trucking routes going through a populated area (hamlet of Utica); intensity of truck traffic; impact of neighboring residences on County Highway B; changing the driveway to East Church Road; the site being too large and the 20 year length of the CUP being too long; the hours of operation should detail specific activities (truck traffic); the truck traffic on County Highway B will be dangerous; the impact on home prices surrounding the quarry; conducting pre-blast surveys of the neighboring houses; monitoring of the blasting; what the extraction of gravel will do to the water table; and the intensity of the activities impact on neighboring properties.*

*Town Concerns: Jim Lowrey expressed concerns regarding the amount of dust that would be generated from the driveway. He suggested that the crushed asphalt be installed on the driveway. He believes the time period of 20 years is too long. He would like to see the size of the operation be reduced. Seismographs be placed at the Paxson, Juleseth, and Nelson properties during blasting. Blasting reports should be provided to the Town right after a blast occurs. He expressed concerns regarding the selection of blasting companies.*

**A motion was made by KIEFER, seconded by SMITH, that the Conditional Use Permit be postponed in ordered for the applicant to respond to the concerns raised. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

*Town of Christiana Plan Commission - close of public hearing and adjournment*

**Motion by Lowrey, seconded by Cutrano, to close the public hearing regarding CUP #2509 and adjourn the Town of Christaina Plan Commission meeting, motion carried, 4-0.**

*Town of Christiana Town Board - close of pubic hearing and adjournment*

**Motion by Lowrey, seconded by Lien, to close the public hearing regarding Conditional Use Permit #2509 and adjourn the Town Board meeting, motion carried, 3-0.**

[11629](#)

PETITION: REZONE 11629  
APPLICANT: WESLEY HALVERSON  
LOCATION: NORTH OF 1002 NULAND ROAD AND SOUTH OF US HWY 12&18, SECTION 33,  
TOWN OF DEERFIELD  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot

*In favor: None*

*Opposed: None*

**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,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11630](#)

PETITION: REZONE 11630  
APPLICANT: WILLIAM T ROCKWELL  
LOCATION: 925 GLENWAY ROAD, SECTION 15, TOWN OF OREGON  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District,  
RR-4 Rural Residential District TO RR-8 Rural Residential District  
REASON: shifting of property lines between adjacent land owners

*In favor: William and Elizabeth Rockwell*

*Opposed: None*

**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,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11631](#)

PETITION: REZONE 11631  
APPLICANT: HAHN LIVING TR  
LOCATION: 7205 PATTON ROAD, SECTION 16, TOWN OF VIENNA  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,  
FP-1 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: separating existing residence from farmland

*In favor: Dan Paulson, surveyor*

*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11632](#)

PETITION: REZONE 11632  
APPLICANT: KATHRYN SEVERSON NYGAARD  
LOCATION: 379 PERRY CENTER ROAD, SECTION 27, TOWN OF PERRY  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: separating existing residence from farmland

*In favor: None*  
*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11633](#)

PETITION: REZONE 11633  
APPLICANT: RUSSELL G WIPPERFURTH  
LOCATION: 6520 COOKE ROAD, SECTION 35, TOWN OF MAZOMANIE  
CHANGE FROM: RR-2 Rural Residential District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: adding 1.17 acres to an existing residential lot

*In favor: Russell Wipperfurth*  
*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11634](#)

PETITION: REZONE 11634  
APPLICANT: KRANTZ REAL ESTATE LLC  
LOCATION: 2650 N NINE MOUND ROAD, SECTION 16, TOWN OF VERONA  
CHANGE FROM: LC Limited Commercial District TO GC General Commercial District  
REASON: changing zoning district to allow for an additional building to be constructed for an existing electrical contracting business

*In favor: Scott Krantz*  
*Opposed: Julia and Brian Fischer, and Ray Schroeder. The neighbors expressed concerns regarding light pollution; the removal of personal storage places on the property; additional landscaping needed for buffering; and the height of the proposed building.*

**A motion was made by KIEFER, seconded by SMITH, to postpone action due to public opposition. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11635](#)

PETITION: REZONE 11635  
APPLICANT: KEICHINGER FAMILY FARMS LLC  
LOCATION: 7046 COUNTY HWY P, SECTION 27, TOWN OF DANE  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: separating existing residence from farmland

*In favor: Robert Keichinger*

*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11636](#)

PETITION: REZONE 11636  
APPLICANT: SCOTT L SCHIELDT  
LOCATION: SOUTHWEST OF 1728 HAMMOND ROAD, SECTION 25, TOWN OF DUNKIRK  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-16 Rural Residential District  
REASON: creating one residential lot

*In favor: Scott Schieldt*

*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11637](#)

PETITION: REZONE 11637  
APPLICANT: DAHL HOMESTEAD LLC  
LOCATION: 7614 INAMA ROAD, SECTION 9, TOWN OF ROXBURY  
CHANGE FROM: RR-4 Rural Residential District TO FP-35 Farmland Preservation District  
REASON: shifting of property lines between adjacent land owners

*In favor: Thomas Dahl*

*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11638](#)

PETITION: REZONE 11638  
APPLICANT: JAMIE J DAHLK  
LOCATION: 4423 BLUE MOUNDS TRAIL, SECTION 9, TOWN OF VERMONT  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot

*In favor: Jamie Dahlk*  
*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11639](#)

PETITION: REZONE 11639  
APPLICANT: JOHN J BEUTHIN  
LOCATION: 5848 BEUTHIN ROAD, SECTION 13, TOWN OF MAZOMANIE  
CHANGE FROM: FP-35 Farmland Preservation District TO GC General Commercial District  
REASON: creating a lot for existing agricultural buildings to allow indoor storage

*In favor: John Beuthin*  
*Opposed: None*

**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,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11640](#)

PETITION: REZONE 11640  
APPLICANT: DANFORTH REV TR, MARILYN J  
LOCATION: 10317 COUNTY HIGHWAY Y, SECTION 28, TOWN OF MAZOMANIE  
CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural Residential District  
REASON: divide an existing residential lot into two lots

*In favor: Jonathan Danforth*  
*Opposed: None*

**A motion was made by PETERS, seconded by SMITH, postpone action until February 9th due to pending zoning violation. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11641](#)

PETITION: REZONE 11641  
APPLICANT: DUCKERT IRREV TR, GREGORY H  
LOCATION: 2296 TOWER DRIVE, SECTION 24, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-16 Rural Residential District  
REASON: dividing an existing lot into two residential lots

*In favor: Greg Duckert*

*Opposed: None*

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

**1. A deed restriction shall be recorded on Lots 1 and 2 to prohibit further division of the properties.**

**2. A notice document shall be recorded on the southerly RR-16 zoned property (proposed lot 2 on CSM) indicating that the lot was created as a result of a transfer of development rights.**

**3. The TDR-S Sending area overlay zoning district shall be applied to the ~80 acre MW Olson farm in section 2 (tax parcels: 061102485006 and 061102490009).**

**4. The owner of the sending property shall record a deed restriction on the ~80 acre property prohibiting further non-farm development in accordance with town plan policies (tax parcels: 061102485006 and 061102490009).**

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11642](#)

PETITION: REZONE 11642  
APPLICANT: DAVID L MOYER  
LOCATION: NORTH AND SOUTH OF 4693 COUNTY HWY FF, SECTION 6, TOWN OF VERMONT  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District  
REASON: creating a residential lot for an existing house and creating an agricultural lot for future residential development

*In favor: Julie and David Moyer*

*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN



[11643](#)

PETITION: REZONE 11643  
APPLICANT: STEVE & SUSAN SMITH  
LOCATION: WEST OF 4012 COUNTY HWY JJ, SECTION 22, TOWN OF VERMONT  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating a 3-acre residential spot zone on the 85-acre property

*In favor: None*  
*Opposed: None*

**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,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11644](#)

PETITION: REZONE 11644  
APPLICANT: CRAIG LAPLANTE  
LOCATION: WEST OF 4012 COUNTY HWY JJ, SECTION 22, TOWN OF VERMONT  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: creating a 4-acre residential spot zone on the 82-acre property

*In favor: Craig LaPlante*  
*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11645](#)

PETITION: REZONE 11645  
APPLICANT: JPC REAL ESTATE LLC  
LOCATION: 7331 US HWY 12, SECTION 18, TOWN OF ROXBURY  
CHANGE FROM: RR-8 Rural Residential District TO RR-2 Rural Residential District, HC Heavy Commercial District TO RR-2 Rural Residential District  
REASON: dividing an existing residential lot into three residential lots

*In favor: Joe DeYoung, surveyor*  
*Opposed: None*

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

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11646](#)

PETITION: REZONE 11646  
APPLICANT: CAVILL 2012 IRREVOCABLE TR, MICHAEL J  
LOCATION: 4161 BARLOW ROAD, SECTION 17, TOWN OF CROSS PLAINS  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-16 Rural Residential District,  
FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland  
Preservation District TO RR-8 Rural Residential District  
REASON: creating three residential lots

*In favor: Ron Klaas, surveyor*

*Opposed: None*

**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.**

- 1. The proposed RR-16 zoning be revised to RM-16 zoning to allow for continued agricultural use in the future and for compatibility with the surrounding area.**
- 2. The landowner records a deed restriction prohibiting further residential development on the following parcels 070717480418, 070717196002, 070717195923, 070717190008, and 070717180019.**
- 3. A shared driveway agreement shall be recorded on the properties pursuant to Dane County Code of Ordinance Section 75.19(8) to allow for 2 lots to be created without public road frontage.**

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[11647](#)

PETITION: REZONE 11647  
APPLICANT: S E N K HOLDINGS LLC  
LOCATION: 4537 COUNTY HWY P, SECTION 3, TOWN OF CROSS PLAINS  
CHANGE FROM: LC Limited Commercial District TO FP-B Farmland Preservation Business  
District  
REASON: changing zoning to allow for the construction of a building for the storage and  
maintenance of farm equipment

*In favor: John Hartung*

*Opposed: None*

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

- 1. A deed restriction shall be recorded on the property to limit the land uses exclusively to the storage and maintenance of agricultural equipment.**

**Ayes:** 4 - BOLLIG,PETERS,KIEFERandSMITH

**Excused:** 1 - DOOLAN

[CUP 2512](#)

PETITION: CUP 02512  
APPLICANT: JEFFREY L WEBBER  
LOCATION: 9108 RIDGE DR, SECTION 29, TOWN OF PRIMROSE  
CUP DESCRIPTION: 195' telecommunication tower (guyed)

**Senior Planner Allan explained that the Town of Primrose had denied the conditional use permit.**

**The Committee took no action.**

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

[CUP 2507](#)

PETITION: CUP 2507  
APPLICANT: DANIEL D SOMERS  
LOCATION: 8752 W MINERAL POINT ROAD, SECTION 21, TOWN OF CROSS PLAINS  
CUP DESCRIPTION: allow for the construction of a taller accessory building (16 feet mean elevation)

**A motion was made by PETERS, seconded by SMITH, 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 height of the accessory building shall not exceed 13 feet, 8 inches.**
- 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,KIEFERandSMITH

**Excused:** 1 - DOOLAN

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

## **G. Resolutions**

## **H. Ordinance Amendment**

8. [2020 OA-034](#) AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING ZONING FEES

A motion was made by KIEFER, seconded by PETERS, that the Sub 1 to Ordinance Amendment 2020 OA-034 be recommended for approval. The motion carried by the following vote: 4-0

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

**I. Items Requiring Committee Action**

**J. Reports to Committee**

[2020](#) Report of approved CSM's  
[RPT-669](#)

Assistant Zoning Administrator Everson reviewed the list of recently recorded Certified Survey Maps with the Committee.

**K. Other Business Authorized by Law**

**L. Adjourn**

A motion was made by KIEFER, seconded by SMITH, to adjourn the January 26, 2021 Zoning and Land Regulation Committee at 8:30pm. The motion carried unanimously.

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