



Dane County

Minutes - Final Unless Amended by Committee

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?

Tuesday, March 22, 2022

6:30 PM

Virtual Meeting

ZOOM Webinar ID: 949 7188 1987

A. Call to Order

Chair Bollig called the March 22, 2022 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Allan, Lane, and Violante

Present 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

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

No comments made by the public.

[2021](#)
[RPT-1007](#) March 22nd ZLR meeting registrants

Attachments: [March 22nd ZLR Registrants.pdf](#)

C. Consideration of Minutes

[2021](#)
[MIN-689](#) Minutes of the March 8, 2022 Zoning and Land Regulation Committee meeting

Attachments: [3-08-22 ZLR Work Meeting Minutes.pdf](#)

A motion was made by PETERS, seconded by DOOLAN, to approve the minutes of the March 8, 2022 Zoning and Land Regulation Committee meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

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

[11804](#)

PETITION: REZONE 11804
APPLICANT: ORR JT REV TR, DENNIS D & SUSAN E
LOCATION: 195 COUNTY HWY JG, SECTION 36, TOWN OF PERRY
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: separating existing residences from the farmland and creating a new residential lot

Attachments: [11804 Staff Report.pdf](#)
[11804 Density.pdf](#)
[11804 Town Action Report.pdf](#)
[11804 APP](#)
[11804 Map](#)

In favor: None
Opposed: None

A motion was made by PETERS, seconded by SMITH, to postpone action to allow time for the Zoning Division to conduct an inspection on the property. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11805](#)

PETITION: REZONE 11805
APPLICANT: MARC ROBERTSON
LOCATION: 3776 FORSHAUG ROAD, SECTION 23, TOWN OF VERMONT
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

Attachments: [11805 Staff Report.pdf](#)
[11805 Density.pdf](#)
[11805 preliminary CSM.pdf](#)
[11805 Town Action Report.pdf](#)
[11805 APP](#)
[11805 Map](#)

In favor: Marc Robertson
Opposed: None

A motion was made by DOOLAN, seconded by PETERS, to postpone action in order to allow time to resolve lot frontage issue. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11806](#)

PETITION: REZONE 11806
APPLICANT: ROETHLISBERGER TR
LOCATION: 6858 PAOLI ROAD, SECTION 2, TOWN OF MONTROSE
CHANGE FROM: FP-35 Farmland Preservation District TO HAM-M
Hamlet Mixed-Use District
REASON: adding additional lands to an existing lot

Attachments: [11806 Ord Amend.pdf](#)
[11806 Staff Report.pdf](#)
[11806 Town Action Report.pdf](#)
[11806 APP](#)
[11806 Map](#)

In favor: Nick Mink
Opposed: None

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0
1. The stormwater and/or erosion control plans for the premises under Chapter 11 and/or Chapter 14, Dane County Code, shall be amended to include all proposed parking and other impervious areas. All such amendments must be approved by the Dane County Land and Water Resources Department.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11807](#)

PETITION: REZONE 11807
APPLICANT: JASON DIAZ
LOCATION: SOUTH OF 277 WILDERNESS WAY, SECTION 33, TOWN OF OREGON
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating two residential lots

Attachments: [11807 Staff Report.pdf](#)
[11807 density.pdf](#)
[11807 Navigability.pdf](#)
[11807 Town Action Report.pdf](#)
[11807 APP](#)
[11807 Map](#)

In favor: Jason Diaz
Opposed: None

A motion was made by SMITH, seconded by PETERS, to postpone action in order to clarify Town conditions. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

11808

PETITION: REZONE 11808
APPLICANT: PAUL AND DONNA HELLENBRAND
LOCATION: WEST OF 7440 LODI-SPRINGFIELD ROAD, SECTION 16,
TOWN OF DANE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural
Residential District, FP-35 Farmland Preservation District TO TDR-R
Transfer of Development Rights Receiving Area Overlay District Receiving
Area
REASON: create one residential lot - transfer of development right

Attachments: [11808 Ord Amend.pdf](#)
[11808 Staff Report.pdf](#)
[11808 Town Action Report](#)
[11808 Density sending](#)
[11808 Density Receiving2.pdf](#)
[11808 APP](#)
[11808 Map](#)

In favor: Paul and Donna Hellenbrand, Dan Paulson, Dave and Julie Dresen
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: 5-0.

- 1. Owner shall record a conservation easement on the sending property (parcel #090808495003) in accordance with the requirements of the TDR-S overlay zoning ordinance.**
- 2. Owner shall record a notice document on the proposed RR-1 CSM Lot indicating that the parcel was created as the result of a Transfer of Development Rights.**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11809](#)

PETITION: REZONE 11809
APPLICANT: R & J ACRES LLC C/O BEVERLY TUCKER
LOCATION: EAST OF 1985 SPRING ROAD ROAD, SECTION 25, TOWN
OF SPRINGDALE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-1 Rural
Residential District, RM-16 Rural Mixed-Use District TO AT-35 Agriculture
Transition District
REASON: creating one residential lot

Attachments: [11809 Ord Amend.pdf](#)
[11809 Staff Report.pdf](#)
[11809 Town Action Report.pdf](#)
[11809 Density.pdf](#)
[11809 APP](#)
[11809 Map](#)

In favor: Sandy Carley, Patricia Matts, Beverly Tucker
Opposed: None

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.
1. A deed restriction shall be recorded on parcels 0607-254-8001-1, 0607-254-8335-8, 0607-251-9510-6, and 0607-251-8340-4 to prohibit further land division of the property.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11810](#) PETITION: REZONE 11810
APPLICANT: PAULSON INVESTMENTS LLC
LOCATION: WEST OF 852 CLARKSON ROAD, SECTION 33, TOWN OF YORK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: creating one residential lot

Attachments: [11810 Ord Amend.pdf](#)
[11810 Staff Report.pdf](#)
[11810 Town Action Report.pdf](#)
[11810 Density](#)
[11810 APP](#)
[11810 Map](#)

In favor: Dan Paulson
Opposed: None

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.
1. Structural development on the property shall be located outside of the steep slope areas exceeding 12% grade. The area of steep slope topography over 12% grade shall be delineated on the final Certified Survey Map.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11811](#) PETITION: REZONE 11811
APPLICANT: SARAH L LEONG AND PATRICK HAGER
LOCATION: 1129 LAFOLLETTE ROAD, SECTION 7, TOWN OF PRIMROSE
CHANGE FROM: RM-16 Rural Mixed-Use District TO
REASON: remove deed restriction from property - part of previous rezoning petition # 7443

Attachments: [11811 Ord Amend.pdf](#)
[11811 Staff Report.pdf](#)
[11811 Town Action Report.pdf](#)
[11811 APP](#)
[11811 Map](#)

In favor: Sarah Leong
Opposed: None

A motion was made by PETERS, seconded by DOOLAN, to recommend approval of the termination of the deed restriction found under Register of Deeds document # 3110537. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11812](#)

PETITION: REZONE 11812
APPLICANT: PATRICK BLAKE AND BRITTA JOHNSON
LOCATION: 3887 GARFOOT ROAD, SECTION 19, TOWN OF CROSS
PLAINS
CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural
Residential District, RR-4 Rural Residential District TO RR-8 Rural
Residential District
REASON: increasing the size of an existing residential lot

Attachments: [11812 Ord Amend.pdf](#)

[11812 Staff Report](#)

[11812 Town Action Report](#)

[11812 APP](#)

[11812 Map](#)

In favor: Patrick Blake

Opposed: None

**A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition
be recommended for approval. The motion carried by the following vote: 5-0**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2556](#)

PETITION: CUP 02556
APPLICANT: AMANDA CULLEN
LOCATION: 4678 COUNTY HWY FF, SECTION 6, TOWN OF VERMONT
CUP DESCRIPTION: transient or tourist lodging

Attachments: [CUP 2556 Staff Report](#)
[CUP 2556 Town](#)
[CUP 2556 Sanitary system covenant.pdf](#)
[CUP 2556 APP](#)
[CUP 2556 Map](#)
[CUP #2556](#)

In favor: Amanda Cullen

Opposed: None

A motion was made by DOOLAN, seconded by PETERS, that the Conditional Use Permit be approved with 13 conditions. The motion carried by the following vote: 5-0.

1. The conditional use permit shall expire upon the sale of the property.
2. Except as provided below, no more than three bedrooms on the premises shall be rented out, to no more than six overnight guests.
3. If the landowner provides to the zoning administrator a sanitary system inspection report, completed by a licensed plumber, which shows the sanitary system is capable of adequately handling the additional demand, occupancy limits may be increased. Under such circumstances, occupancy shall be determined by the capacity of the sanitary system. Under no circumstances shall more than four bedrooms be rented out, to no more than eight overnight guests.
4. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
5. 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 Uniform Dwelling Code.
6. 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.
7. The tourist and transient lodging operation must obtain and continue to maintain a short-term rental license approved by the Dane County Division of Environmental Health. The use must also comply with all other 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.
8. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
9. 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.
10. 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.

11. 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.

12. 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.

13. 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. 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: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[2557](#)

PETITION: CUP 02557

APPLICANT: 17 OBRIEN CT LLC

LOCATION: 4114 TOWER ROAD, SECTION 9, TOWN OF DUNN

CUP DESCRIPTION: transient and tourist lodging

Attachments: [CUP 2557 Staff Report](#)

[CUP 2557 Town Action Report](#)

[CUP 2557 Email opposition](#)

[CUP 2557 House Rental Rules](#)

[CUP 2557 APP](#)

[CUP 2557 Map](#)

In favor: Brian Spanos

Opposed: Susan Ottmann

A motion was made by KIEFER, seconded by PETERS, to postpone action due to public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11764](#)

PETITION: REZONE 11764
APPLICANT: HANNA'S S & T LLC
LOCATION: 77 SIRLOIN STRIP, SECTION 35, TOWN OF MADISON
CHANGE FROM: GC General Commercial District TO MFR-08
Multi-Family Residential District
REASON: 114-unit multi-family development 4-story, 71-unit multi-family
building

Attachments: [11764 Staff Update 3-17-22](#)

[11764 Updated Statement of Intent and Development Plans 2-28-22](#)

[11764 Tommy and Simon Hanna Statement](#)

[11764 City of Madison Updated Letter 3-11-22](#)

[11764 City of Madison DAT review comments 2-10-22](#)

[11764 Alder Carter Letter of Support 2-25-22](#)

[11764 Staff Report 11-23-21](#)

[11764 City of Madison Letter 11-5-21](#)

[11764 Alder Carter email in support 11-23-21](#)

[11764 Applicant response to city concerns 11-18-21](#)

[11764 Map](#)

[11764 APP](#)

[11764 3-22-22 PH Notice \(English & Spanish\)](#)

[11764 Email Concern Whiterabbit.pdf](#)

In favor: Charles McCall, Steve Schulfer, Simon Hanna, Tommy Hanna, Jeffery Richter, Brian Palumbo, Alder Sheri Carter, Olga Quintanilla Hanna, Robert Severson, Tom Meylor, Earle Smith, Jeffery Wenzel, Jaime Albrecht, Salwa Downey, Robert Power, Peter Fortiage, James Stoppie, Craig Hansen

Opposed: Erica Lopez, Barth Engelman, Herman Whiterabbit

A motion was made by KIEFER, seconded by PETERS, that Zoning Petition #11764 be postponed indefinitely in committee. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[02545](#)

PETITION: CUP 02545 - WITHDRAWN
APPLICANT: HANNA'S S & T LLC
LOCATION: 77 SIRLOIN STRIP, SECTION 35, TOWN OF MADISON
CUP DESCRIPTION: residential development in the general commercial zoning district - 114-unit multi-family development

- Attachments:** [CUP 2545 Staff Update 3-17-22](#)
[CUP 2545 Updated Statement of Intent and Development Plans 2-28-22](#)
[CUP 2545 City of Madison Updated Letter 3-11-22](#)
[CUP 2545 Email Concern Whiterabbit](#)
[CUP 2545 Tommy and Simon Hanna Statement](#)
[CUP 2545 Alder Carter Letter of Support 2-25-22](#)
[CUP 2545 City of Madison DAT review comments 2-10-22](#)
[CUP 2545 City of Madison Letter 11-5-21](#)
[CUP 2545 Staff Report 11-23-21](#)
[CUP 2545 Map](#)
[CUP 2545 APP](#)
[CUP 2545 3-22-22 PH Notice \(English & Spanish\)](#)
[CUP 2545 WITHDRAWN \(Hanna\) Madison 35.pdf](#)

No action taken by Committee.

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

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2021](#)
[ACT-495](#)

Site Plan Review for the relocation of a farm residence within the FP-35 Farmland Preservation Zoning District
Applicant: Steve Grinder
Location: 10488 Docken Drive, Section 4, Town of Perry

- Attachments:** [Steve Grinder site plan review, Sect 4, Perry.pdf](#)

A motion was made by PETERS, seconded by SMITH, to approve the site plan for Steve Grinder, 10488 Docken Drive, Town of Perry. The motion carried by the following vote: 5-0.

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by PETERS, seconded by DOOLAN, to adjourn the March 22, 2022 Zoning and Land Regulation Committee meeting at 8:45pm. The motion carried unanimously.

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