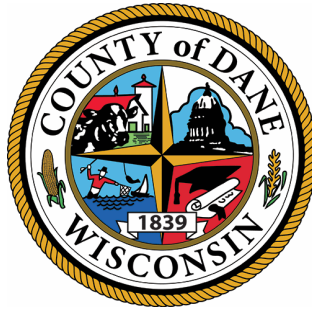


Dane County



Minutes

Tuesday, December 17, 2024

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?

This meeting is being conducted on land now known and recognized as Dane County, Wisconsin. We acknowledge that this land is at the same time the ancestral, traditional, & contemporary land of the Ho-Chunk, Sauk & Kickapoo nations.

A. Call to Order

Chair DOOLAN called the December 17, 2024 ZLR Committee meeting to order at 6:30 PM in Room 354 of the City-County Building.

Staff present: Violante, Lane, Holloway, Everson

Present 5 - JERRY BOLLIG, MICHELE DOOLAN, JEFFREY KRONING, DON POSTLER, and MICHELE RITT

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

No comments made by the public.

[2024
RPT-424](#)

December 17, 2024 ZLR Registrants

C. Consideration of Minutes

[2024
MIN-327](#)

November 19, 2024 ZLR Committee Meeting Minutes

A motion was made by KRONING, seconded by BOLLIG, that the November 19, 2024 meeting minutes be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

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

[12119](#)

PETITION: REZONE 12119
APPLICANT: DOLORES C FLOGEL SURVIVORS TRUST (STEVE FLOGEL)
LOCATION: NORTHWEST OF 10477 MIDLAND ROAD, SECTION 21, TOWN OF BLACK EARTH
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: creating an agricultural lot

In support: Steve Flogel, Thomas Flogel
Opposed: none

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

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12120](#)

PETITION: REZONE 12120
APPLICANT: DUANE L & DOROTHY J SKAAR JT REV LIVING TRUST
LOCATION: 1210 KOSHKONONG ROAD, SECTION 17, TOWN OF CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential and RR-4 Rural Residential District
REASON: creating two residential lots for existing residences

In support: Linda Skaar
Opposed: none

A motion was made by KRONING, seconded by BOLLIG, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 5-0.

1. The CSM shall show the location of any existing septic system(s) and distance from lot lines.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12121](#)

PETITION: REZONE 12121
APPLICANT: RANDALL AND MAUREEN GABER
LOCATION: 3897 VILAS HOPE RD, SECTION 19, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District and RR-2 Rural Residential District, RR-2 Rural Residential District TO FP-1 Farmland Preservation District
REASON: adjust the boundary of an existing residential lot

In support: Randy Gaber
Opposed: none

A motion was made by BOLLIG, seconded by KRONING, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 5-0

1. A shared driveway access easement agreement shall be provided that serves Lots 1 and 2 of the CSM.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12122](#)

PETITION: REZONE 12122
APPLICANT: PHILLIP AND LEAOTA BRAITHWAITE
LOCATION: NORTH OF 4952 TOWER LINE RD, SECTION 35, TOWN OF MEDINA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

In support: Phillip Braithwaite

Opposed: none

A motion was made by KRONING, seconded by BOLLIG, that the Zoning Petition be recommended for approval with two conditions. The motion carried by the following vote: 5-0.

- 1. The road shall be formally named by the Town of Medina as part of the CSM process, so that it appears on County maps.**
- 2. Prior to issuing a zoning permit for the new house on the lot proposed with Rezoning petition 12122, new addresses shall be assigned for both the new home and the existing home at 4952 Tower Line Rd.**

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

[12124](#)

PETITION: REZONE 12124
APPLICANT: CARMEN AND CHERYL SKJOLAAS
LOCATION: 1649 COUNTY HIGHWAY B, SECTION 24, TOWN OF PLEASANT SPRINGS
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: creating one residential lot

In support: Cheryl Skjolaas, Brad Ederer

Opposed: none

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

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

[02646](#)

PETITION: CUP 02646
APPLICANT: GEORGE AND TIFFANY CORRIGAN
LOCATION: 2168 COLLADAY POINT DRIVE, SECTION 23, TOWN OF DUNN
CUP DESCRIPTION: limited family business - consultant

In support: George Corrigan
Opposed: none

A motion was made by KRONING, seconded by BOLLIG, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

Standard Conditions for all Conditional Use Permits from 10.101(7):

- 1. Any conditions required for specific uses listed under s. 10.103 (see below).**
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 3. 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.**
- 4. 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.**
- 5. 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.**
- 6. 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.**
- 7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 8. Off-street parking must be provided, consistent with s. 10.102(8).**
- 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 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.**
- 12. 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.

Conditions specific to CUP # 2646:

13. Hours of business operation shall be primarily 7 am to 5 pm, with occasional evenings, nights, or weekends.

14. Number of employees is limited to one person, who must reside at the property. Any other employees that visit the property shall be limited to infrequent visits of short duration during the hours of 7 am to 5 pm and shall not exceed one person at a time.

15. Two external, downward facing lights are allowed on the new accessory building, so long as the light does not spill on to the neighboring properties.

16. Trash and recycling collection and bins for the business shall be limited to what is provided to the residence by the Town's contracted trash and recycling vendor.

17. All business-related materials must be stored indoors.

18. The sanitary for the bathroom in the accessory building must connect to sanitary system. Sanitary fixtures must be removed when the limited family business ceases to operate or the CUP terminates.

19. Human habitation is not allowed in the accessory building.

20. Customers or clients are not allowed to come to the property.

21. No storage of hazardous, toxic, or explosive materials may occur on site.

22. There may be no industrial or manufacturing uses on the property. Any water discharge to the ground must be composed entirely of storm water.

23. Signage is limited to one sign on a building and shall not be illuminated.

24. The CUP shall automatically expire on sale of the property or the business to an unrelated third party.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[02647](#)

PETITION: CUP 02647

APPLICANT: ANDREW M DAVEY (C/O TRAVIS LEESER)

LOCATION: 4276 JORDAN DRIVE, SECTION 8, TOWN OF DUNN

CUP DESCRIPTION: accessory building over 12 feet in average height (16 feet proposed)

In support: Andrew Davey, Travis Leeser

Opposed: none

A motion was made by BOLLIG, seconded by KRONING, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

Standard Conditions for all Conditional Use Permits from 10.101(7):

- 1. Any conditions required for specific uses listed under s. 10.103 (see below).**
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 3. 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.**
- 4. 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.**
- 5. 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.**
- 6. 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.**
- 7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 8. Off-street parking must be provided, consistent with s. 10.102(8).**
- 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 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.**
- 12. 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.

Conditions specific to CUP # 2647:

13. The applicant shall record a deed restriction with the Dane County Register of Deeds that limits the accessory building to storage use and prohibits its use as residential dwelling space.

14. The accessory building may not be used for any commercial, business, or industrial activities.

15. The accessory building may not be used for human habitation.

16. Plumbing is not allowed in the accessory building.

17. Any external lighting shall be restricted to safety lights at the entrance and exists of the building. Lighting must be dark skies compliant and no light shall spill over the neighboring property line.

18. Stormwater resulting from the accessory building must be managed on site.

19. The accessory building may not be any taller than 21 feet at the peak of the roof and the average height, measured from the lowest eave to the peak of the roof, shall be no higher than 16 feet.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[2024 OA-022](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of BURKE Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

In support: none

Opposed: none

A motion was made by BOLLIG, seconded by KRONING, that the Ordinance be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

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

[12095](#) PETITION: REZONE 12095
APPLICANT: TOWN OF DUNN
LOCATION: SECTION 2, TOWN OF DUNN
CHANGE FROM: FP-35 Farmland Preservation District TO AT-35 Agriculture Transition District
REASON: town-initiated blanket rezone of properties for consistency with the Dane County Farmland Preservation Plan and s. 91.38, Wisconsin Statutes.

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

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12106](#)

PETITION: REZONE 12106
APPLICANT: TOWN OF VERONA
LOCATION: MULTIPLE PROPERTIES (SEE LIST), SECTION 29, TOWN OF VERONA
CHANGE FROM: FP-35 Farmland Preservation District TO AT-35 Agriculture Transition District
REASON: Town-initiated blanket rezone for consistency with the Dane County Farmland Preservation Plan and s. 91.38, Wisconsin Statutes

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

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

[12115](#)

PETITION: REZONE 12115
APPLICANT: JOHN AND ELIZABETH BECKER
LOCATION: DAENTL ROAD EAST OF 4313 BUCKLEY RD, SECTION 8, TOWN OF BURKE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-8 Rural Residential District
REASON: creating one residential lot

In support: Charles "Buck" Sweeney

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

1. The Certified Survey Map shall delineate a 100' x 100' building envelope area located in the northern portion of the property outside of the wetlands and buffer area. A note shall be added to the Certified Survey Map stating that, "All buildings constructed on the property shall be within the building envelope area as part of the conditions of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #12115".
2. A note shall be added to the certified survey map which states, "The property has indicators which identify the area is prone to flooding. Any building floor level or basement floor level shall have an elevation no lower than 862 feet ASL".
3. A deed restriction shall be recorded on the property identifying the potential of flooding. The deed restriction shall state, "The property has indicators which identify the area is prone to flooding. Any building floor level or basement floor level shall have an elevation no lower than 862 feet ASL".

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

[12118](#)

PETITION: REZONE 12118
APPLICANT: DANIEL AND KAY BREUNIG
LOCATION: 6625 VIADUCT ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: GC General Commercial District TO FP-35 Farmland Preservation District,
GC General Commercial District TO RR-4 Rural Residential District, FP-35 Farmland
Preservation District TO RR-4 Rural Residential District
REASON: reconfiguring two existing residential lots and creating one residential lot - transfer of
development right

**A motion was made by BOLLIG, seconded by KRONING, that the Zoning Petition
be postponed at the applicants' request, to allow additional time to possibly
amend the petition. The motion carried by the following vote: 4-0-1 (Supervisor
POSTLER abstaining).**

Ayes: 4 - BOLLIG, DOOLAN, KRONING and RITT

Abstain: 1 - POSTLER

[02645](#)

PETITION: CUP 02645
APPLICANT: STEPHEN KUHN
LOCATION: 4216 MORRIS PARK ROAD, SECTION 8, TOWN OF DUNN
CUP DESCRIPTION: transient or tourist lodging

**A motion was made by BOLLIG, seconded by KRONING, to suspend the rules and
allow Mr. Horn to speak as he had attempted to speak at the November public
hearing and was unable to do so. The motion carried by the following vote: 5-0**

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

In support: Stephen Kuhn

Opposed: Michael Horn

A motion was made by BOLLIG, seconded by KRONING, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (none).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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.
4. 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.
5. 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.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
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 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.
12. 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.

Conditions specific to CUP # 2645:

13. The rental period shall be between a minimum of 7 days to a maximum of 29 days.
14. The maximum number of allowable rental days within a 365-day period is 180

days. This 180-day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.

15. There shall be no advertising that is inconsistent with Condition #13 and Condition #14. Advertisements must be consistent with Condition #13 and Condition #14 prior to the issuance of a Conditional Use Permit.

16. Applicant shall not advertise for, nor accept reservations for, more than 10 guests over 11 years old and no more than 10 total guests.

17. Applicant shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed 4 parking spaces. The 4 designated parking spaces shall match the parking map provided in the application, which is 2 spots in the garage and 2 spots in the driveway. Parking space limit shall appear in all advertising for the short-term rental. House rules must instruct guests to park in the designated parking stalls.

18. The applicant shall provide the Town Clerk with the license plate numbers of all guests' vehicles, trailers, and recreational items prior to their arrival.

19. There shall be quiet hours from 10 pm to 7 am, measured as no guest noise that exceeds 40 dBA at the property line.

20. No outdoor amplified music is allowed at the property.

21. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.

22. The applicant shall provide a phone number to neighbors within 300 feet, which can be reached if there is a problem at the property.

23. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.

24. The CUP will terminate when the property is sold.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

F. Plats and Certified Survey Maps

[2024 LD-019](#) Final Plat - Riverside Vista
Town of Verona

Consideration of the September 24, 2024 conditional approval and execution of the plat pursuant to established committee policy.

Staff recommends the chairperson to sign and date the final plat and proceed with recording.

A motion was made by KRONING, seconded by POSTLER, that the final plat be signed by the chairperson. The motion carried by the following vote: 4-0.

Chair DOOLAN signed the plat.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

G. Resolutions

H. Ordinance Amendment

[2024 OA-022](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of BURKE Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

No action taken (see above)

I. Items Requiring Committee Action

J. Reports to Committee

[2024 RPT-395](#) K & D Stone inspection report
Town of Rutland
CUP 2582 Mineral Extraction

Assistant Zoning Administrator Dan Everson presented a staff report to the Committee on the findings of the site inspection, and Zoning Administrator Roger Lane shared additional information on the subject of outdoor storage.

K. Other Business Authorized by Law

[2024 DISC-017](#) Discussion of Corporation Counsel's opinion letter regarding the processing of conditional use permits and future changes to the zoning ordinance under Ordinance Amendment 2024 OA-023.

Zoning Administrator Roger Lane presented information on the history of CUP processes in Dane County, from the original 1938 Zoning Ordinance to changes made in later years to the Ordinance, and changes made to Wisconsin Statutes.

L. Adjourn

A motion was made by BOLLIG, seconded by KRONING, to adjourn the meeting at 8:15 PM. The motion carried unanimously.