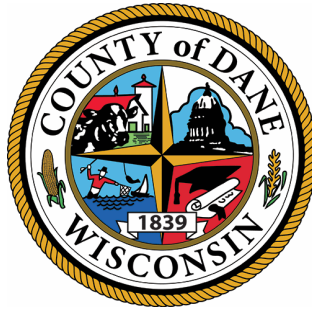


Dane County



Minutes

Tuesday, February 27, 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 meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Violante, Lane, Holloway, Everson, Allan, McCallum

Supervisor Ratcliff was excused at 7:00pm.

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, KATE MCGINNITY, and MELISSA RATCLIFF

Excused 1 - TIM KIEFER

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

No comments made by the public.

[2023](#)
[RPT-540](#)

February 27, 2024 ZLR Registrants

C. Consideration of Minutes

[2023](#)
[MIN-476](#)

January 23, 2024 ZLR Meeting Minutes

A motion was made by MCGINNITY, seconded by BOLLIG, that the Minutes be approved. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

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

[12006](#)

PETITION: REZONE 12006
APPLICANT: LLOYD & BARBARA L MELTON (WAYNE MELTON, REP)
LOCATION: SECTION 8, TOWN OF CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,
FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: separate farmstead from farm and create two agricultural lots

In Support: Wayne Melton

Opposed: none

A motion was made by BOLLIG, seconded by RATCLIFF, 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 FP-1 parcels stating the following: Further residential / non-farm development is prohibited on the remaining FP-1 zoned land. The housing density rights for the original Buck farm have been exhausted per the Town Comprehensive Plan density policies.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

12007

PETITION: REZONE 12007
APPLICANT: JOHN & SARA BOTHUM
LOCATION: SOUTH OF 1450 PLEASANT HILL ROAD, SECTION 2, TOWN OF DUNKIRK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

In Support: John Bothum

Opposed: none

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. A deed restriction shall be recorded on the remaining FP-35 zoned land comprising the Bothum farm unit (tax parcels 051102385610, 051102385010, and 051102380004) stating the following:

Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Raymond L. Bolhum farm have been exhausted per the Town Comprehensive Plan density policies.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

12008

PETITION: REZONE 12008
APPLICANT: DALE, RONALD, JAMES, AND DENNIS LUND
LOCATION: 2490 CLEAR VIEW ROAD, SECTION 14, TOWN OF CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District,
FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: separating two existing residences from the farmland

In Support: Dennis Lund

Opposed: none

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

1. The debris on the property shall be cleaned up prior to rezone petition #12008 becoming effective.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

12009

PETITION: REZONE 12009
APPLICANT: JEFF SCHLIECKAU
LOCATION: NORTH OF 3830 GALA WAY, SECTION 19, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District, FP-1 Farmland Preservation District TO RR-4 Rural Residential District, FP-1 Farmland Preservation District TO NR-C Natural Resource Conservation District
REASON: create two residential lots and one agricultural lot

In Support: Jeff Schlieckau

Neither support nor opposed: Marjorie Van Handel, Tammy Smith, Marc Smith

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

1. Owners of the TDR-S sending properties shall record deed restrictions prohibiting nonfarm development on a minimum of 35 acres, as follows:
 - a. Wayne and Patricia Wollin shall record a deed restriction prohibiting nonfarm development on tax parcel 0711-024-9000-7 (SW 1/4 of the SE 1/4, section 2, Town of Cottage Grove).
 - b. Viney Acres LLC shall record a deed restriction prohibiting nonfarm development on tax parcel 0711-253-9500-5 (SE 1/4 of the SW 1/4, section 25, Town of Cottage Grove).
2. A deed notice document shall be recorded on the proposed RR-2 and RR-4 lots (CSM Lots 1 and 2) to indicate they were created via a Transfer of Development Rights.
3. A deed restriction shall be recorded on the proposed NR-C lot (CSM Lot 3) to prohibit residential development.
4. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be applied to the RR-2 and RR-4 lots.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

12010

PETITION: REZONE 12010
APPLICANT: MORCOY COMPOUND LLC (PAUL MORRISON)
LOCATION: 7741 STATE HIGHWAY 69, SECTION 31, TOWN OF MONTROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: create one new residential lot

In Support: Paul Morrison

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. Within 6 months of the County Board action on this petition, the landowner shall raze (remove) one of the farm residences on the property prior to the zoning becoming effective.**
- 2. Conditional Use Permit #2501 for a secondary farm residence shall be rendered null and void.**
- 3. A new deed restriction shall be recorded to document how the development rights have been used on the farm. A deed restriction shall be recorded on the remaining FP-35 lands (current tax parcel 0508-314-9000-7) stating the following:**
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Louis J. Gardippe farm have been exhausted per the Town Comprehensive Plan density policies.**
- 4. A shared driveway access easement shall be recorded along with the certified survey map for the new lot, to provide access to both the farm and the new residence.**

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

12011

PETITION: REZONE 12011
APPLICANT: BAKER LIVING TR (DENNY BAKER)
LOCATION: 1240 N. GAFFNEY RD, SECTION 9, TOWN OF MONTROSE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-4 Rural Residential District, RR-4 Rural Residential District TO RM-16 Rural Mixed-Use District
REASON: shifting of property lines between adjacent land owners

In Support: Dennis Baker

Opposed: none

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,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

[12012](#)

PETITION: REZONE 12012
APPLICANT: ERIC O JOHNSON
LOCATION: 6630 LEE ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: RM-8 Rural Mixed-Use District TO RM-16 Rural Mixed-Use District, FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: expand existing residential lot and create an agricultural lot

(Supervisor Ratcliff was excused at 7:00 p.m.)

*In Support: Eric Johnson
Opposed: none*

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Excused: 2 - KIEFER and RATCLIFF

[12013](#)

PETITION: REZONE 12013
APPLICANT: DAVID J RHINER
LOCATION: WEST OF 8774 COUNTY HWY G, SECTION 4, TOWN OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: creating one residential lot

*In Support: Tammy Rhiner, Tyler Marcinske
Neither Support nor Oppose: Ed Short*

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: 3-0.

- 1. The applicant shall obtain a shared driveway access permit from the Dane County Highway Department prior to site development.**
- 2. A shared driveway access easement shall be recorded with the Register of Deeds to provide access for the new lot.**

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Excused: 2 - KIEFER and RATCLIFF

[12014](#)

PETITION: REZONE 12014
APPLICANT: CINDY AND BILL NORDNESS
LOCATION: 524 STATE HWY 138, SECTION 30, TOWN OF DUNKIRK
CHANGE FROM: SFR-1 Single Family Residential District TO RR-2 Rural Residential District,
FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: expanding existing residential lot

In Support: Ed Short
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:
3-0.**

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

[12015](#)

PETITION: REZONE 12015
APPLICANT: COONS CONSTRUCTION OF VERONA LLC
LOCATION: EAST OF 7906 RIVERSIDE ROAD, SECTION 30, TOWN OF VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-1 Single Family Residential
District, AT-35 Agriculture Transition District TO NR-C Natural Resource Conservation District
REASON: create a 17-lot residential subdivision with one outlot.

In Support: Jim Coons, Adam Carrico
Opposed: none

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning
Petition be postponed to allow for Corporation Counsel to provide an opinion on
the County's ability to require highway improvements in light of the Highway
Department's comments. The motion carried by the following vote: 3-0.**

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

[12016](#)

PETITION: REZONE 12016
APPLICANT: ALBERT G HAWLEY & KAREN ZETHMAYR
LOCATION: 2669 CTH P, SECTION 16, TOWN OF SPRINGDALE
CHANGE FROM: GC General Commercial District TO LC Limited Commercial District
REASON: zoning to allow for limited contractor business use

(The Committee adjourned for a 3-minute recess at 7:16 p.m., reconvened at 7:19 p.m.)

In Support: A.G. Hawley, Mark Nortman

Opposed: none

Neither support nor oppose: Jim Wilson

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Recording a deed restriction on the property that specifies:

- 1. Hours of operation are limited to between 6am and 8pm, 7 days a week**
- 2. A maximum number of three (3) contractor, landscaping or building trade operation businesses**
- 3. Number of employees limited to 10 full-time equivalents on-site (total for all businesses)**
- 4. No retail sales**
- 5. No paid storage on the property**
- 6. Lighting and signage shall conform to the Town of Springdale and Dane County ordinances.**
- 7. Existing onsite wastewater sewage disposal systems, if any, serving the businesses uses must be inspected by a licensed plumber to determine its suitability for all proposed or expanded uses. 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.**

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

[02611](#)

PETITION: CUP 02611
APPLICANT: NATHAN M MOE
LOCATION: 1896 WILLIAMS DR, SECTION 29, TOWN OF PLEASANT SPRINGS
CUP DESCRIPTION: 180' self-support communication tower on FP-35 zoned property

In Support: Christopher Lee, Jake Remington

Opposed: none

A motion was made by MCGINNITY, seconded by BOLLIG, that the Conditional Use Permit be postponed due to no town action and to allow time for an erosion control / stormwater management violation to be corrected. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

[02612](#)

PETITION: CUP 02612
APPLICANT: MELISSA & CASEY HELBACH
LOCATION: 6993 APPLEWOOD DRIVE, SECTION 27, TOWN OF MIDDLETON
CUP DESCRIPTION: transient or tourist lodging (short-term rental)

In Support: Melissa Helbach

Opposed: Sarmi Van Den Heuvel

Neither Support nor Oppose: David Huntsman

A motion was made by MCGINNITY, 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: 3-0.

CUP 2612 Conditions:

1. The Town finds that the proposal meets the general standards for conditional use permits per Dane County Ordinances 10.101(7)(d)1.
2. The Town finds that the proposed conditional use is consistent with the adopted Town Comprehensive Plan.
3. The CUP is granted subject to all standard conditions specified in Dane County Zoning Ordinance Section 10.101(7)(d)2, as applicable.
4. This conditional use permit shall expire in the event the property is sold or transferred to another owner. Continuation or extension of an expired conditional use requires re-application and approval by the Town Board and Dane County.
5. The applicant shall comply with all licensing and permitting requirements for short-term rentals.
6. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.
7. The rental shall be limited to 8 overnight guests.
8. This Conditional Use Permit shall expire one (1) year after the effective date. Landowner may renew the CUP by successfully obtaining a new CUP prior to the expiration date.
9. The maximum number of allowable rental days within a 365-day period is 180 days. The landowner must notify the Town Clerk in writing when the first rental within a 365-day period begins.
10. Quiet hours shall be 10:00pm to 8:00am, all days of the week.
11. No more than 5 overnight vehicles shall be on the premises at any one time. All vehicles must be parked on paved driveway surfaces or inside the existing garage and maintain adequate access for emergency vehicles.
12. No pets allowed.
13. Any new outdoor lighting shall be downward directed, designed to minimize ambient spill and shall comply with all applicable requirements of the Town of Middleton.
14. 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.
15. The owner or operator must keep a copy of the conditional use permit,

including the list of all conditions, on the site.

16. 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.

17. Failure to comply with any imposed conditions, or to pay reasonable Town/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 reasonable opportunity to correct any violations prior to the revocation.

18. If the transient or tourist lodging operation is abandoned for 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.

19. The operation of all-terrain vehicles, ATVs, and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.

20. Signage is prohibited.

21. Fireworks are prohibited.

22. The owner, or their designated emergency contact person, be available within one (1) hour to address any problems.

23. Emergency contact information shall be provided to the neighbors, Applewood Homeowners Association President, the Town of Middleton, and Dane County Zoning Division.

24. The owner or operator must provide the Town of Middleton Clerk with a copy of the current rental agreement no later than the date of issuance of the CUP. In the event the agreement is modified in any manner, the modified agreement must be provided to the Town of Middleton Clerk within ten (10) calendar days of the date the modified agreement is placed in use.

25. The rental period shall be a minimum of 5 nights.

26. Landowner will conduct a background check on any prospective renter.

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

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

F. Plats and Certified Survey Maps

G. Resolutions

[2023
RES-344](#)

RECONSTITUTING THE DANE COUNTY BROADBAND TASK FORCE

A motion was made by MCGINNITY, seconded by BOLLIG, that the Resolution be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

H. Ordinance Amendment

1. [2023 OA-068](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE REVIEW PROCESS FOR CONDITIONAL USE PERMITS AND REZONES

In Support: Renee Lauber

Opposed: none

A motion was made by DOOLAN, seconded by BOLLIG, that the Ordinance be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

I. Items Requiring Committee Action

[2023
ACT-261](#)

Site Plan Review for the relocation of a farm residence within the AT-35 Farmland Preservation Zoning District

Applicant: James Hamilton (Stagecoach LLC)

Location: 7946 Paulson Road, Section 1, Town of Springdale

In support Gary Karls

A motion was made by BOLLIG, seconded by MCGINNITY, that the site plan for the replacement farm residence be approved with one condition. The motion carried by the following vote: 3-0.

1. The existing residence shall be removed within 90 days after occupying the new residence.

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, to adjourn the ZLR meeting at 8:02 PM. The motion carried unanimously.