

AGENDA – Iowa County Planning & Zoning Committee

***revised Jan. 17, 2023**

Thursday, January 26, 2023 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 840 538 2607

<https://us02web.zoom.us/j/8405382607>

Health and Human Services Center – Community Room

303 West Chapel St., Dodgeville, WI 53533

For information regarding access for the disabled, please call 608-935-0399.

1. Call to order.
2. Roll Call.
3. Approve of this agenda.
4. Approve the minutes of the December 29, 2022 meeting.
5. Motion to enter into public hearings associated with zoning and/or conditional use permit petitions and ordinance revisions.
6. Continued petition by Megan Meuer for a Conditional Use Permit to operate a Residential Kennel and allow animal units as defined in the county's zoning ordinance, and for the division of an AR-1 Ag Res lot being Lot2, CSM1029 in the Town of Eden.
7. Petition by Nick & Jennifer Mobley and Todd & Heidi McSherry to zone two lots of 5 & 35 acres from A-1 Ag to AR-1 Ag Res in the NE/SW & NW/SE of S8-T5N-R5E in the Town of Brigham.
8. Petition by Joseph Z. Glick for a Conditional Use Permit to operate a Commercial Kennel as defined in the county's zoning ordinance on an A-1 Agricultural lot being part of the SW/SE S16-T4N-R3E in the Town of Mineral Point.
9. Motion to end the public hearings and resume the regular meeting.
10. * Consideration of extending the timeline for meeting the conditions imposed on the approval of a zoning change for James Brodzeller per ZH3286 by an additional 6 months.
11. Discussion of the current provisions of the Iowa County Zoning Ordinance and potential revisions.
12. Report from the committee members and an opportunity for members of the audience to address the Committee. No action will be taken.
13. Director's report
14. Next meeting date and time
15. Motion to adjourn

Scott A. Godfrey, Director

Posted 01/17/2023

You may attend via videoconference by downloading the free Zoom program to your computer at <https://zoom.us/download>. At the date and time of the meeting, you log on through the Zoom program and enter the Meeting ID from the above agenda. You may also attend via conference call by dialing the phone number listed on the agenda above.

DRAFT MINUTES – Iowa County Planning & Zoning Committee

*** Revised December 9, 2022**

Thursday, December 29, 2022 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 840 538 2607

<https://us02web.zoom.us/j/8405382607>

Health and Human Services Center – Community Room

303 West Chapel St., Dodgeville, WI 53533

For information regarding access for the disabled, please call 608-935-0399.

1. Call to order. Chair Peterson called the meeting to order at 6:00 pm

2. Roll Call.

Committee Present: Curt Peterson, Tim Lease, Mel Masters, David Gollon, Don Leix

Committee Absent: none

Staff Present: Scott Godfrey

Other Supervisors Present: Steve Deal

3. Approve of this agenda.

Motion by Supervisor Masters

Second by Supervisor Gollon

Motion carries unanimously

4. Approve the minutes of the December 1, 2022 meeting.

Motion by Supervisor Lease

Second by Supervisor Masters

Motion carries unanimously

5. Motion to enter into public hearings associated with zoning and/or conditional use permit petitions and ordinance revisions.

Motion by Supervisor Lease

Second by Supervisor Masters

Motion carries unanimously

6. Petition by Megan Meuer for a Conditional Use Permit to operate a Residential Kennel and allow animal units as defined in the county's zoning ordinance, and for the division of an AR-1 Ag Res lot being Lot2, CSM1029 in the Town of Eden.

Megan Meuer was present. No town officials were present.

Director Godfrey gave the staff report.

Public comments:

- Rodney and Rick Mueller spoke on behalf of their father, Roger. They stated their father is the neighbor adjacent to the north and he is opposed due to the constant barking of the dogs.
- Chris Meuer said he lives adjacent to the east and hasn't found the barking dogs to be much of an issue.

Supervisor Peterson asked if the neighbors were aware of the meeting at the town level to which they replied they were not.

Ms. Meuer stated the kennel can be moved on her property to meet the required setbacks and that the 3 horses are only on her lot during the winter.

Motion by Supervisor Lease to send the matter back to the town so neighbors can make their concerns known and to see if that impacts the town recommendation

Second by Supervisor Gollon

Motion carries unanimously

7. Petition by Thomas Wienkes to zone 28.544 acres from A-1 Ag to AR-1 Ag Res in the W1/2-SW of S35-T7N-R1E in the Town of Highland.

No applicant or town officials were present.

Director Godfrey gave the staff report.

Public comments: none

Motion to approve with the condition that the associated certified survey map be duly recorded within 6 months of County Board approval by Supervisor Gollon

Second by Supervisor Lease

Motion carries unanimously

8. Petition by Mark & Cathy Steien to zone 4.57 acres from A-1 Ag & AR-1 Ag Res to all AR-1 Ag R in the NE/NW of S36-T5N-R4E in the Town of Waldwick

Mr. & Mrs. Steien were present. No town officials were present.

Director Godfrey gave the staff report.

Public comments:

- Mrs. Steien explained that she is one of the six children who own the adjacent farm and all are in agreement to sell additional land to her and her husband.

Motion to approve with the condition that the associated certified survey map be duly recorded within 6 months of County Board approval by Supervisor Gollon

Second by Supervisor Lease

Motion carries unanimously

9. Motion to end the public hearings and resume the regular meeting.

Motion by Supervisor Gollon

Second by Supervisor Masters

Motion carries unanimously

10. * Discussion of Conditional Use Permit compliance per ZH2855 affecting the Scenic Sales LLC at 6530 US Highway 14 in the Town of Arena.

Director Godfrey overviewed recent complaints made by neighbors over potential lack of compliance with the imposed conditions as included in the packet. He handed out a letter from Attorney James N. Graham representing the new owners of the affected property.

Supervisor Peterson stated his reluctance to allow public discussion out of concern that this may be perceived as a de facto public hearing. He did ask the town for its opinion on whether a public hearing should be held on this matter.

David Lucey, Town of Arena Chair, said he personally feels there should be a hearing town supervisors John Wright and Bill Gauger agreed.

Supervisor Gollon suggested there be time allowed for the apparent land contract issue between the landowner and business operator to be resolved.

Supervisor Gollon moved to provide 90 days for the matter between the landowner and business operator to be addressed and then to hold a public hearing on the matter;

Second by Supervisor Masters

Motion carries unanimously

11. Discussion of the current provisions of the Iowa County Zoning Ordinance and potential revisions.

Director Godfrey overviewed the concept of eliminating the second farm-related residence allowance in the A-1 district included in the packet.

After discussion, the consensus was to have Director Godfrey draft language to revise the ordinance removing the second farm-related residence allowance in the A-1 district and to move forward with other potential revisions.

12. Report from the committee members and an opportunity for members of the audience to address the Committee. No action will be taken.

Supervisor Masters referenced a document provided by Chris and Kathy Ladd to the Iowa County Board relating to their opposition to wind energy systems.

13. Director's report

Director Godfrey overviewed the report included in the packet.

14. Next meeting date and time: January 26, 2023 at 6pm

15. Motion to adjourn

- Motion by Supervisor Gollon
Second by Supervisor Masters
Motion carries unanimously. Adjourned at 7:02 pm

*Note: it was determined Supervisor Leix could hear the proceedings but was unable to be heard by the committee via Zoom.

Scott A. Godfrey, Director



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3317 (cont.)

Megan Meuer

3318 State Road 80

Cobb, WI 53526

Hearing Date: Jan. 26, 2023

Town of Eden

L2 CSM1029 S23-T6N-R1E

PIN: 010-0285.B

Request: This is a request for a Conditional Use Permit for a Residential Kennel as defined in the Iowa County Zoning Ordinance.



2. Comments

1. Action was postponed last month to provide the Town of Eden an opportunity to hear concerns from neighbors. The town did meet and has asked Ms. Meuer to place round bales around the kennel to mitigate sound until such time the kennel can be moved to meet the 200-foot setback. The town wants to monitor the efficacy of the bales to lessen the sounds before making a formal recommendation.
2. The applicant has a State breeder license but the operation requires zoning approval.
2. The operation is considered a "Residential Kennel" as defined in the

county's zoning ordinance as follows with the required standards:

Residential Kennel

Includes the breeding and/or rearing, of between 3 and 6 dogs or cats combined owned by the owner of the affected property, in association with the residential or agricultural principal use of the land and related buildings or structures. A litter of pups or kittens, kept for less than 6 months from birth shall not contribute to the number limit, provided there is not more than a single litter per year per species, not animal, on the premises. This use may not include training, boarding, grooming, sales of food, or sales of supplies. Does not include commercial kennels as defined in this Ordinance. Exceeding the animal number limits may be considered by conditional use permit provided all use standards listed below are complied with.

Use standards:

- a) All dogs and cats must be licensed by the appropriate town if the town maintains a licensing requirement, and regardless, the use shall be subject to all applicable town, county, and state regulations.
- b) The animals shall be securely detained on the applicant's property, whether by fencing, leash, restraint, or other humane means.
- c) Outdoor dog runs or exercise pens shall have the following setbacks:
 - i. located at least 20 feet from a lot line
 - ii. located at least 200 feet from an existing legal residence or other structure occupied at least 51% of the time on adjacent property – this setback may be reduced if the adjacent property owner agrees in writing. There are 3 residences within 200 feet of the applicant's lot line. An exercise pen or run in the westerly part of the applicant's lot can meet this setback.
- d) No excessive barking, cries, howling, or other noise shall be permitted. The term "excessive barking, cries, howling or other noise" includes but is not limited to the creation of any noise by a dog or cat that can be heard at the property line by any person and that occurs continuously or incessantly for a period of ten continuous minutes or intermittently for thirty minutes or more, except in instances where it can be demonstrated that such noise was associated with a person trespassing or threatening to trespass upon the private property where the kennel is situated or in instances where the animals are being teased or provoked.
- e) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance free manner. Droppings and manure shall be removed and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.
- f) The lot or parcel size shall be considered as to whether adequate in size for the proposed use and its proximity to adjacent legal uses for potential negative impacts.
 - a) The limit of dogs or cats can be limited where a conditional use permit is required if the limitation is to mitigate potential negative impacts to adjacent legal land uses or due to the subject lot or parcel size.
 - b) Within any farmland preservation zoning district, such uses shall be subject to the following limitations: **Not applicable**
 - i. Be conducted by the owners or operators of the farm and employ not more than four additional persons
 - ii. Require no buildings, structures, or improvements other than a preexisting

- farm residence, an agricultural accessory structure, or both
- iii. Not impair the current or future agricultural use of the farm or of the other farmland within the farmland preservation district

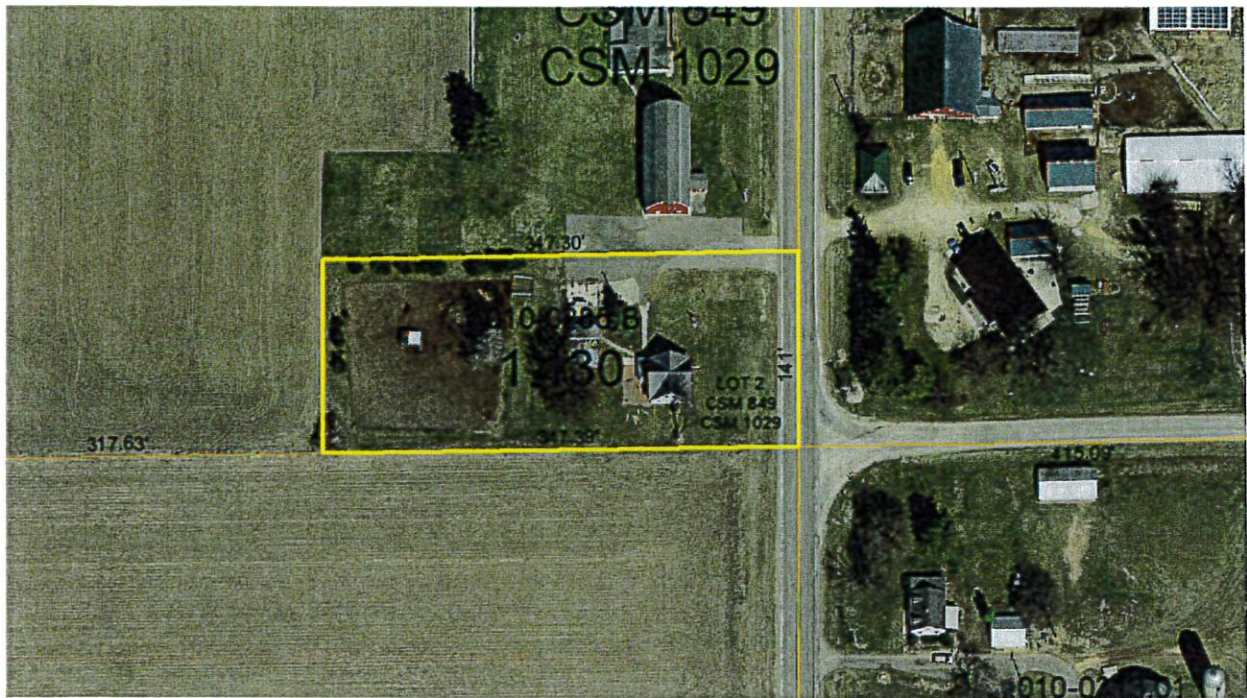
3. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:

- 1) The proposed use complies with all applicable provisions of this Ordinance.
- 2) The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
- 3) There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
- 4) Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
- 5) Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
- 6) Adequate assurances by the applicant of continuing maintenance are provided.
- 7) The proposed use is consistent with the Iowa County Comprehensive Plan.

Town Recommendation: The Town of Eden wants to monitor the sound before making a formal recommendation.

Staff Recommendation: Staff notes there are three matters requiring action:

1. Division of the AR-1 lot
 2. Animal units - up to 3 horses
 3. Residential Kennel - previously suggested conditions:
 - a) All dogs must have a Town of Eden dog license
 - b) The operator must maintain all required State licenses
 - c) All provisions of a Residential Kennel in the county's zoning ordinance must be complied with.
 - d) The Conditional Use Permit shall terminate upon the sale of the property.
-





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

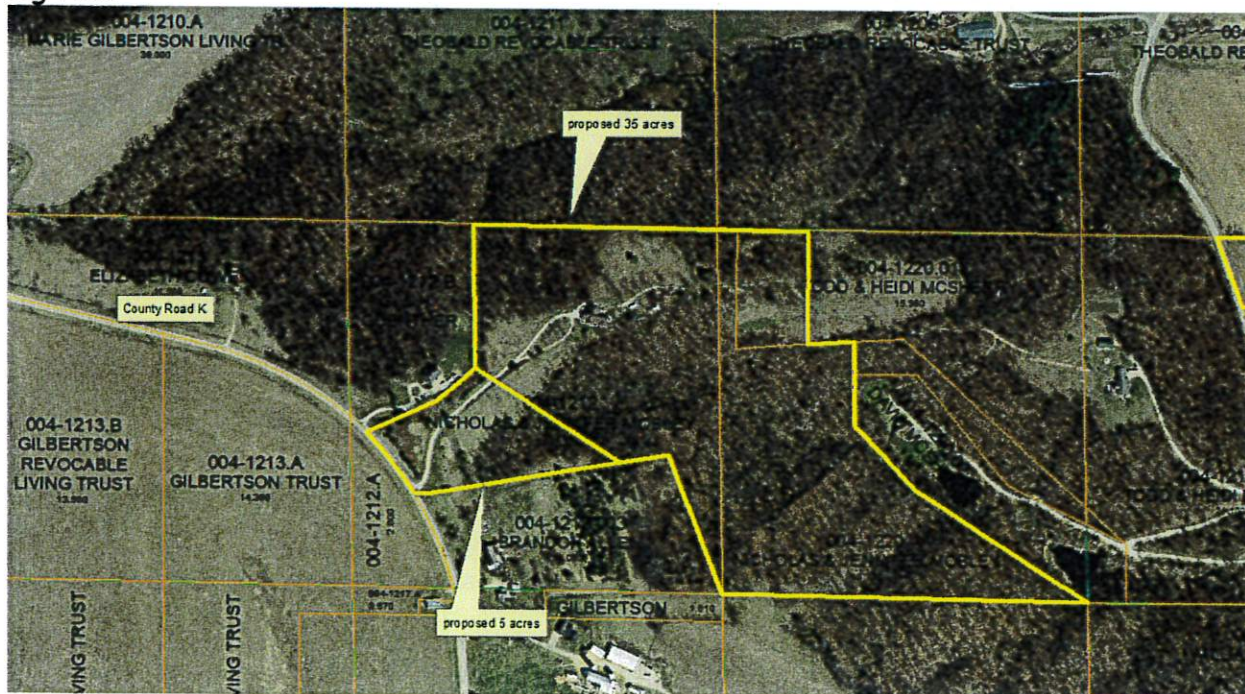
Scott.Godfrey@iowacounty.org

Zoning Hearing: 3320
Nick & Jennifer Mobley
2181 County Road K
Barneveld, WI 53507

Hearing Date: Jan. 26, 2023
Town of Brigham
NW/SE & NE/SW S8-T5N-R5E
PIN: 004-1220; 1212; 1220.01

Todd & Heidi McSherry
2210 Mill Dam Rd
Barneveld, WI 53507

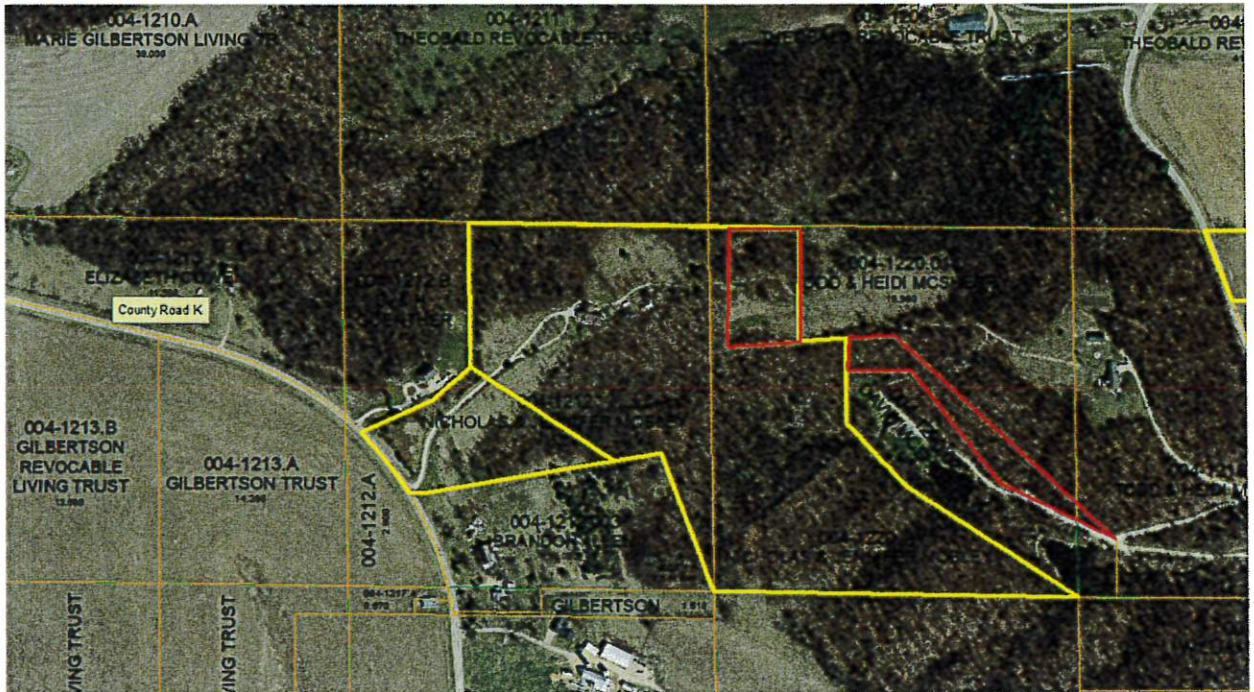
Request: This is a request to zone two lots of 5 & 35 acres from A-1 Ag to AR-1 Ag Res.



2. Comments

1. The A-1 district has a minimum 40-acre lot size so rezoning is required in order to legally create the proposed 5-acre & 35-acre lots.
2. If approved, each lot would allow one single family residence, accessory buildings and limited ag uses, including up to 3 animal units as defined by the

4. Associated with this request is a land transfer/swap between the applicants as shown in red below:

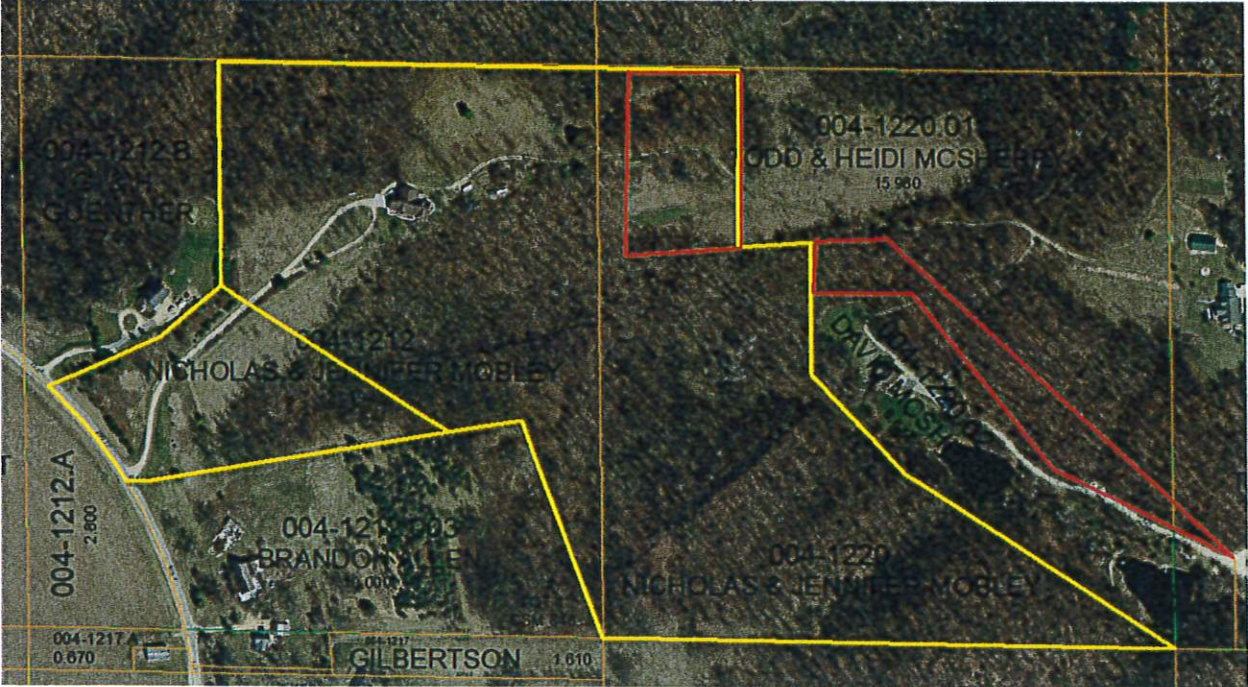


5. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:

- 1) The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
- 2) Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
- 3) Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
- 4) The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
- 5) The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
- 6) The petition will not be used to legitimize a nonconforming use or structure.
- 7) The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
- 8) The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Brigham is recommending approval.

Staff Recommendation: Staff recommends approval with the conditions that associated land transfer/swap be completed and then the certified survey map is duly recorded within 6 months of County Board approval.





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Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: \$750 payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Nick and Jennifer Mobley

Address: 2181 County Road K

City/Zip Code: Barneveld / 53507

Landowner: Todd & Heidi McSorley

Address: 2210 Mill Dam Rd

(if other than applicant)

City/Zip Code: 53507

Applicant Phone: (608) 575-3776

Landowner Phone: () _____

Email: nijomo66@gmail.com

Please contact by: ☒ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only
☐ Conditional Use only
☐ Both

in the Town of Brigham Acreage of proposed lot(s) 35 and 5 acres

Section 8 Town T5N Range R5E NE 1/4 of the SW 1/4 PIN 004-1220, 1212, 1220.01

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No

Does this request involve any proposed land division? ☒ Yes ☐ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 Requested zoning district: AR-1 for the proposed use(s) of: second residential home

Requested Conditional uses (s): none

I. Please list any improvements currently on the land: There is currently one residential home on the 40 acre property.

II. Please explain the reason for the request and proposed plans: Request is to create a 5 acre lot for my brother to build a home on.

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

1) How is this land better suited for a non-agricultural use?

Proposed building site hasn't been used for crops for over 30 years. Was used for pasture until recently. Area outside of building site can still be used for pasture in the future if desired. Site will provide an good location for a residential home.

2) How will rezoning not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use?

Rezone won't have any impact on surrounding parcels.

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

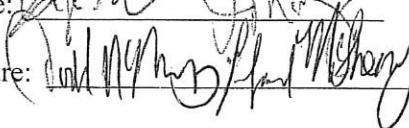
5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

6. What assurances can be provided for potential continuing maintenance associated with the use?

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature:  Date: 1/5/2023

Landowner(s) Signature:  Date: 1/5/2023

For Office Use Only: Rcv'd by SL Date 1-6-23 Fee 750 Check # 1179 Cash
A-1 present zoning 2A floodplain 7A shoreland/wetland

TOWN OF BRIGHAM

407 Business ID | Barneveld, WI 53507

Phone: (608) 924-1013, ext. 3101 | Web: www.town.brigham.iowa.wi.us

Recommendation to Iowa County

Land Division | Zoning Change | Conditional Use Permit

Send recommendation to:

Iowa County Office of Planning & Development | 222 N Iowa Street | Dodgeville, WI 53533

Scott Godfrey | Email: scott.godfrey@iowacounty.org

Town Board Meeting Date: 10/5/2022

Property Owner/Applicant's Name: Nick & Jennifer Mobley

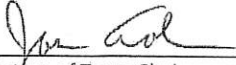
Request:

- Lot Line Adjustment – lot line adjustment to include $\approx$ 2.51 acres from Parcels 004-1220 and 004-1218 (current owner: Mobley) and $\approx$ 2.51 acres from Parcel 004-1220.01 (current owner: McSherry); net acreage will remain the same for each owner
- A motion was made by Zander/Davis to approve the lot line adjustment between Mobley and McSherry. Motion carried.
- Concept Plan
- Land Division – division of $\approx$ 5 acres from Parcel 004-1212
- Zoning Change – rezone newly create parcel from A-1 to AR-1 and remaining Mobley acreage from A-1 to AR-1
- Driveway – conversion of $\approx$ 320 ft of existing single-user driveway to multi-user driveway and single-user driveway to proposed building site on newly created parcel
- Building Site – single-family residence on newly created parcel

Recommendation:

- ☒ Approve
☐ Deny

Conditions or Comments (if any):

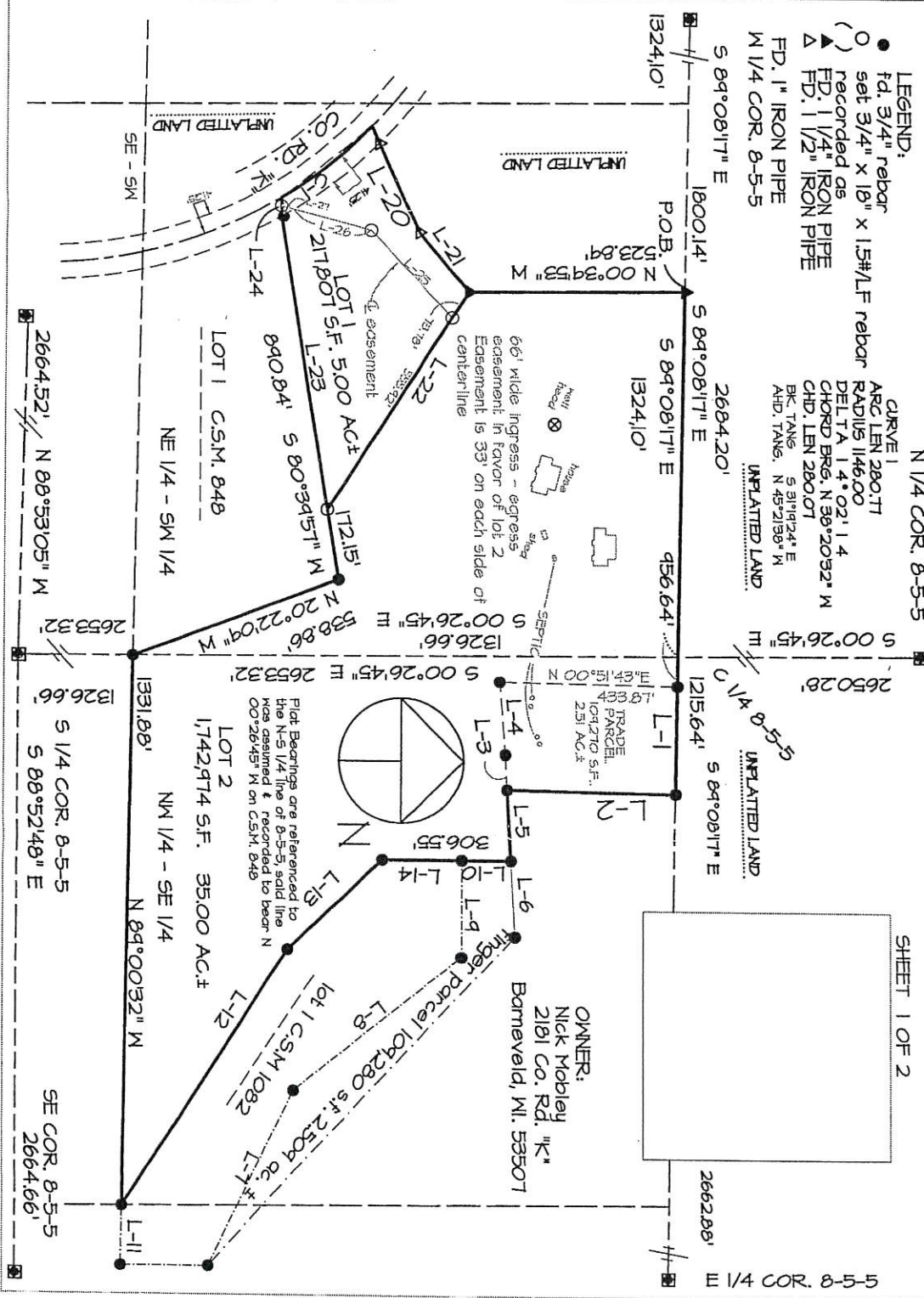
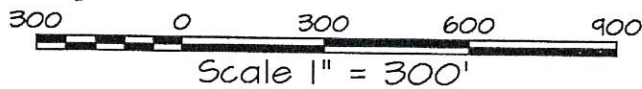


Signature of Town Chairperson

10/5/2022

Date

Part of the NE 1/4 of the SW1/4 and NW 1/4 of the SE 1/4 of Section 8, T5N, R5E, Town of Brigham, Iowa
County, Wisconsin



CERTIFIED SURVEY MAP

Part of the NE 1/4 of the SW 1/4 and NW 1/4 of the SE 1/4 of
Section 8, T5N, R5E, Town of Brigham, Iowa County, Wisconsin

SURVEYOR'S CERTIFICATE:

I, Laurence E. Schmit, Professional Land Surveyor hereby certify that under the direction of Nick Mobley, I have made a survey, division, and map. Subject map is a correct representation of all the exterior boundaries of the land surveyed and the division thereof, and that I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes in the dividing, mapping of the land which is described as being

A parcel of land located in part of the NE 1/4 of the SW 1/4, and part of the NW 1/4 of the SE 1/4 of Section 8, T5N, R5E, Town of Brigham, Iowa County, Wisconsin, to wit:
Commencing at the W 1/4 corner of said Section 8; thence S 89° 08'17" E, 1800.14' along the West to East 1/4 line to the Point of Beginning; thence continuing S 89°08'17" E, 1215.64'; thence S 00° 51'43" W, 411.35'; thence N 86°51'49" E, 173.97'; thence South, 306.55' to a property corner of C.S.M. 1082, and traversing clockwise along said C.S.M. 1082 for the next 2 courses, as follows: thence S 43°15'23" E, 314.65'; thence S 57°00'47" E, 747.88' to the SE corner of said NW 1/4 of the SE 1/4; thence N 89°00'32" W, 1331.88' to the SW corner of said NW 1/4 of the SE 1/4; thence N 20°22'09" W, 538.86' to the NE corner of Lot 1 of C.S.M. 848; thence S 80°39'57" W, 890.84' to a point on the easterly right of way line of County Road "K"; thence N 89° 00'43" W, 48.47' to the centerline of County Road "K", said point being on a 1146' radius curve to the left, having a central angle of 14°02'14", a chord bearing N 38°20'32" W, 280.07'; thence NW'ly, 280.77' along the arc of said curve and centerline; thence N 65°53'51" E, 282.52'; thence N 50°03'17" E, 186.15'; thence N 00°39'53" W, 523.89' to the POINT OF BEGINNING. Containing 1,742,976 square feet, or 40.01 acres, more or less, and being subject to an easement for County Road "K" along the westerly side, and for other easements, of record, and/or usage, if any.

SHEET 2 OF 2

Laurence E. Schmit

date:

APPROVED FOR RECORDING BY: IOWA COUNTY

SCOTT GODFREY, DIRECTOR OF PLANNING & DEVELOPMENT

APPROVED FOR RECORDING BY: TOWNSHIP OF BRIGHAM

Jason Garden - Chairman

date:

Megan Mieden - Clerk

date:

No.	BEARING	DISTANCE
L-1	S 89°08'17" E	259.00'
L-2	S 00°51'43" W	411.35'
L-3	S 86°51'49" W	85.10'
L-4	S 85°25'07" W	174.89'
L-5	N 86°51'49" E	173.97'
L-6	N 86°51'49" E	180.73'
L-7	S 63°50'46" E	476.52'
L-8	S 38°56'09" E	520.38'
L-9	EAST	231.07'
L-10	NORTH	116.17'
L-11	N 89°00'32" W	142.92'

No.	BEARING	DISTANCE
L-12	N 57°00'47" W	747.88'
L-13	N 43°15'23" W	314.65'
L-14	NORTH	190.38'
L-20	N 65°53'51" E	282.52'
L-21	N 50°03'17" E	186.15'
L-22	S 57°26'51" E	629.70'
L-23	S 80°39'57" W	718.69'
L-24	N 89°00'43" W	48.47'
L-25	S 46°48'39" W	285.78'
L-26	S 14°52'29" W	196.34'
L-27	S 14°52'29" W	30.93'



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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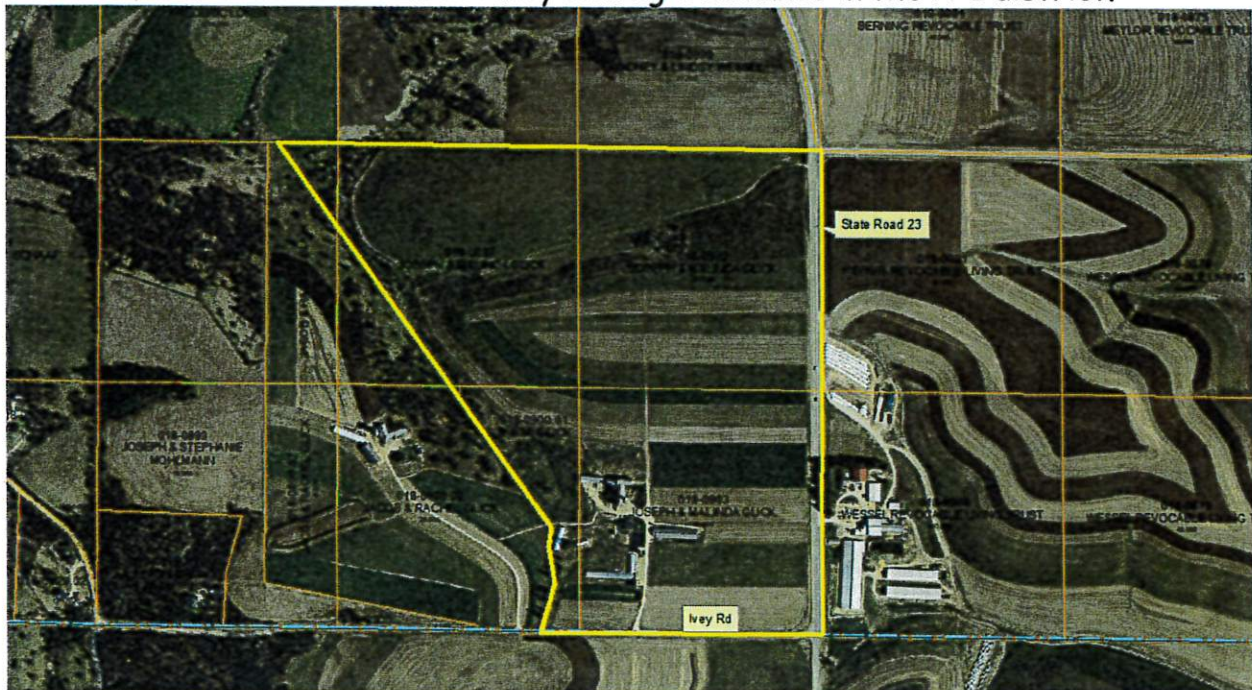
608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3321
Joseph Z. Glick
4370 Ivey Rd
Mineral Point, WI 53565

Hearing Date: Jan. 26, 2023
Town of Mineral Point
SW/SE S16-T4N-R3E
PIN: 018-0903

Request: This is a request for a Conditional Use Permit to operate a Commercial Kennel as defined in the Iowa County Zoning Ordinance in the A-1 district.



2. Comments

1. The applicant has a State breeder license but the operation requires zoning approval.
2. The operation is considered a "Commercial Kennel" as defined in the county's zoning ordinance as follows with the required standards:

Commercial Kennel

Includes animal shelters, commercial kennel services, pet resorts or hotels, dog training centers, doggie day cares, animal rescue shelters, and principal uses where animals are bred for sale to other persons or entities. This use may include training, boarding, grooming, sales of food, sales of supplies, and other customary uses. All such uses may be defined or limited by conditional use permit. Does not include a residential kennel as defined in this Ordinance.

Use standards:

- a) The animals shall be securely detained on the applicant's property, whether by fencing, leash, restraint, or other humane means.
- b) Each animal shall be provided with an indoor containment area
- c) No excessive barking, cries, howling, or other noise shall be permitted. The term "excessive barking, cries, howling or other noise" includes but is not limited to the creation of any noise by a dog or cat that can be heard at the property line by any person and that occurs continuously or incessantly for a period of ten continuous minutes or intermittently for thirty minutes or more, except in instances where it can be demonstrated that such noise was associated with a person trespassing or threatening to trespass upon the private property where the kennel is situated or in instances where the animals are being teased or provoked.
- d) There shall be adequate exercise space for each animal
- e) Outdoor dog runs or exercise pens shall have the following setbacks:
 - i. located at least 20 feet from a lot line
 - ii. located at least 200 feet from an existing legal residence or other structure occupied at least 51% of the time on adjacent property – this setback may be reduced if the adjacent property owner agrees in writing
- f) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance free manner. Droppings and manure shall be removed and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.
- g) The lot or parcel size shall be considered as to whether adequate in size for the proposed use and its proximity to adjacent legal uses for potential negative impacts.
- h) Within any farmland preservation zoning district, such uses shall be subject to the following limitations:
 - i. Be conducted by the owners or operators of the farm and employ not more than four additional persons
 - ii. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both
 - i) Not impair the current or future agricultural use of the farm or of the other farmland within the farmland preservation district

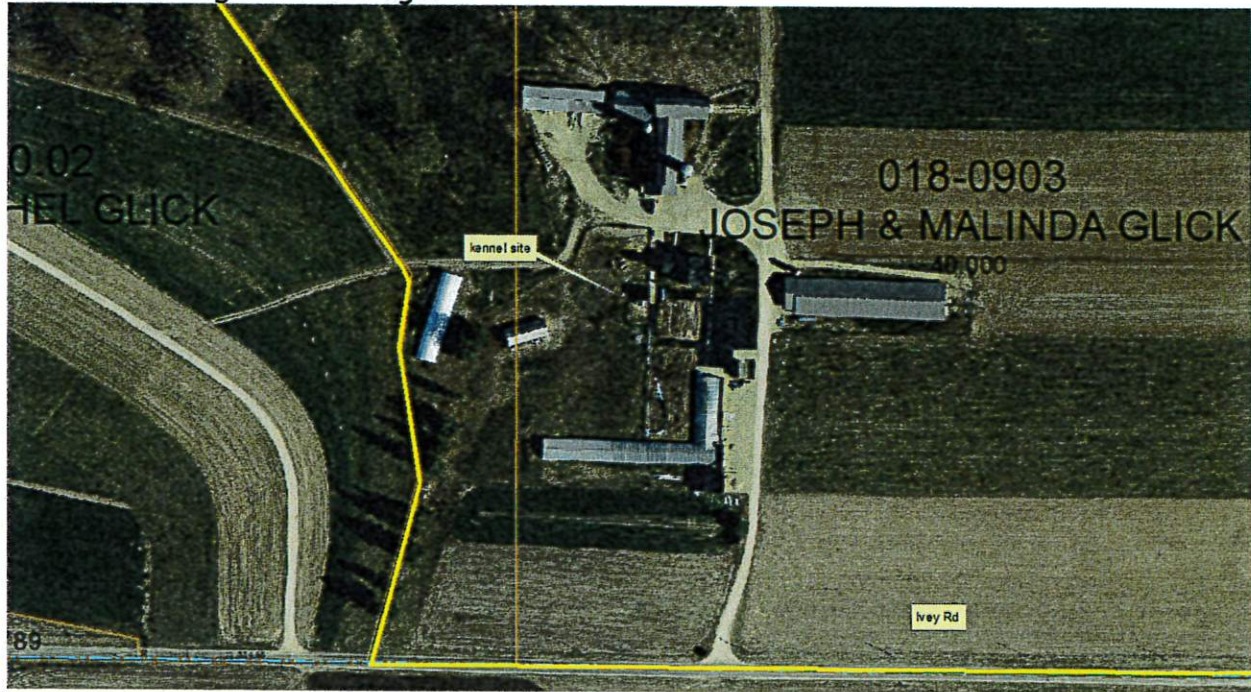
3. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:

- 8) The proposed use complies with all applicable provisions of this Ordinance.
 - 9) The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
 - 10) There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
 - 11) Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
 - 12) Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
 - 13) Adequate assurances by the applicant of continuing maintenance are provided.
 - 14) The proposed use is consistent with the Iowa County Comprehensive Plan
-

Town Recommendation: The Town of Mineral Point is recommending approval.

Staff Recommendation: Staff recommends approval with the following conditions:

- 1) All dogs must have a Town of Mineral Point dog license
- 2) The operator must maintain all required State licenses
- 3) All provisions of a Commercial Kennel in the county's zoning ordinance must be complied with
- 4) The Conditional Use Permit shall terminate upon the sale of the property if including the buildings.





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: \$750 payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Joseph Z. Glick Address: 4370 Ivey Rd
City/Zip Code: Mineral Point WI 53565

Landowner: Same Address: Same
(if other than applicant) City/Zip Code: _____

Applicant Phone: () _____ Landowner Phone: () _____

Email: _____ Please contact by: ☐ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only
☐ Conditional Use only
☐ Both

in the Town of Mineral Point Acreage of proposed lot(s) 125

Section 16 Town 4 N Range 3 E SW 1/4 of the SW 1/4 PIN 018-0903
018-0950

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No
Does this request involve any proposed land division? ☐ Yes ☒ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 Requested zoning district: 4A for the proposed use(s) of: _____

Requested Conditional uses (s):
To operate a dog kennel
"Commercial kennel"

I. Please list any improvements currently on the land: _____

II. Please explain the reason for the request and proposed plans: _____

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

1) How is this land better suited for a non-agricultural use?

2) How will rezoning not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use?

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

6. What assurances can be provided for potential continuing maintenance associated with the use?

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature: Joseph Z. Glush Date: 12-1-22

Landowner(s) Signature: Same Date: _____

=====

For Office Use Only: Rcv'd by SL Date 12/5/22 Fee 750 Check # 8726 Cash
A-1 present zoning NA floodplain NA shoreland/wetland

Scott Godfrey

From: Debi Heisner Clerk Treasurer <mptownclerk@gmail.com>
Sent: Friday, September 23, 2022 5:06 PM
To: Scott Godfrey
Subject: Re: Glick recommendation

OMG - yes both have been approved at the Town levels. Jacob in August and Joseph last week. I forgot to email you as I left the next day for a conference and forgot.
Also - Jordan Tibbits was approved.
Thanks!

Debi Heisner
Town of Mineral Point
4946 Sunny Ridge Rd
Mineral Point WI 53565
608-574-5360
mptownclerk@gmail.com

On Fri, Sep 23, 2022 at 1:26 PM Scott Godfrey <Scott.Godfrey@iowacounty.org> wrote:

Hi Debi,

Jacob Glick has applied for a CUP for a commercial kennel at 4330 Ivy Rd. Is there a town recommendation yet?

Also, I have had no reply from his father, Joseph, who is also operating a kennel. I wrote to him to see if the two are combining kennels into one. Guess I'll have to write to Jacob now too.

Geez...

Scott A. Godfrey, Director
Office of Planning & Development
222 N. Iowa Street
Dodgeville, WI 53533



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608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Agenda Item 10: Consideration of extending the timeline for meeting the conditions imposed on the approval of a zoning change for James Brodzeller per ZZH3286 by an additional 6 months.

Background:

In 2022 per ZH3286, Mr. Brodzeller requested a zoning change of 9.01 acres from A-1 Ag to AR-1 Ag Res. This left about 31 acres of the parent property yet to be zoned A-1, which is less than the 40-acre minimum lot size for that district. Mr. Brodzeller was proposing the 31 acres to be sold to an abutting neighbor who has A-1 land.

The request was approved by the Committee and subsequently by the County Board on September 20, 2022 with the conditions that the 31 acres is sold to the neighbor and consolidated with the neighbor's land by deed, and that the associated CSM is duly recorded, all within 6 months.

On January 15, 2023, Mr. Brodzeller requested an additional 6 months to satisfy the imposed conditions. This is a consideration of the Committee and will require County Board action. The original 6-month deadline is March 20, 2023.



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Scott.Godfrey@iowacounty.org

Agenda Item 11: Discussion of the current provisions of the Iowa County Zoning Ordinance and potential revisions.

Considerations:

- 1) Allow chickens without review/approval

Currently, chickens are included in the definition of "animal unit" as follows:
One animal unit shall be defined as being the equivalent of: one dairy cow, steer, bull or horse over six months of age; two steers, calves or horses under six months of age; two pigs; two sheep; two goats; two llamas; or twenty-five fowl. Other animal, fowl or fish types shall be considered on an individual basis on specific application.

Animal Units are unregulated in the A-1 district and only otherwise allowed in the AR-1 district as follows:

Lot Size		# of Animal Units Allowed
Less than 5 acres		by conditional use permit
5 to 9.99 acres		3 Animal Units
10-14.99 acres		5 Animal Units
15-24.99 acres		8 Animal Units
25-39.99 acres		11 Animal Units

The keeping of backyard chickens is increasingly common and often occurs on lots that are not zoned AR-1 and/or under 5 acres in area. The intent of the animal unit provisions is to assure properties are adequately able to care for the type/breed of animal. Since chickens require little space to be adequately cared for, it is reasonable to consider excluding "fowl" from the animal unit definition, thus making them allowed without regulation in any district.

Further, it is worth reviewing the "animal unit" definition in its entirety just to determine if it's relevant to today's trends.

2) Allow roadside stands in the AR-1 Ag Res district

Currently, a "roadside stand" is defined as: *A temporary structure, not enclosed, and so designed and constructed that the structure is easily portable and can be readily moved.*

Currently, roadside stands are only allowed as a permitted principal use in the A-1 district if it complies with the following standards:

- a) There is no permanent structure.
- b) The only structure consists of a table or similar non-enclosed stand with a maximum display dimension of 100 square feet.
- c) The stand shall be situated not less than thirty (30) feet from the public road right-of-way.
- d) Only produce and farm products can be displayed that are produced on the premises.
- e) There is adequate off-street parking provided so as there is no parking within the right-of-way of the public road.

A CUP can be requested in the A-1 district if a roadside stand is proposed to vary from the standards above.

The AR-1 district is intended to have limited ag uses and there have been several requests for roadside stands, which currently are prohibited. In order to encourage ag uses, it is reasonable to consider allowing roadside stands in the AR-1 district similar to in the A-1 district. It may also be considered to allow them in the AB-1 district only as a CUP.

3) Allow for zoning permit extensions

Currently, the duration of a zoning permit is 12 months from the date of issuance as established under Section 2.3. If at least 51% of the project is complete within the 12 months, the permit remains valid.

Given the cost of materials, supply-chain issues, and general decrease in contractors it is reasonable to either extend the original permit duration to 24 months or allow for an additional 12-month extension upon request.

It is also reasonable to establish a hard expiration date to encourage completion of projects.

4) Limit plumbing in nonresidential, accessory structures

Current practice is to allow a courtesy bathroom in nonresidential, accessory structures consisting only of a toilet and sink. An affidavit is required to be signed and recorded with the Register of Deeds by the property owner acknowledging the courtesy bathroom limits and that no residential use of the building can occur without zoning approval. This practice is the result of sheds permitted with a bathroom subsequently becoming full residences without the required zoning approval.

If this practice is to continue, it is reasonable to include specific language under Section 2.5 Site Restrictions. Said section already states an structure to be connected to water or to have internal plumbing must have a valid sanitary permit issued prior to the zoning permit (State law).

5) Define an addition

Currently, the basis for requiring a zoning permit under Section 2.2 reads: *No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, converted, or structurally altered without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations.*

This has historically been interpreted to include any addition to an existing structure or building. However, what constitutes an "addition" is undefined.

Potential definitions of "addition" to consider:

Any construction that increases the size of a building or structure in terms of site coverage, height, width, or gross floor area. For the purposes of this definition, an addition must be connected by a common wall or aboveground enclosed breezeway, with the connection being at least five (5) feet in width. An enclosed breezeway must have a solid roof, floor, and walls; however, openings are allowed for windows, doors, skylights and similar features.

6) 7.1 Height

This section has not been reviewed since 2005 so may warrant review. It currently reads:

7.1 Height

The district height limitations stipulated elsewhere in this Ordinance may be exceeded in accord with the following:

1. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys shall not exceed in height their distance from the nearest lot line, but in no case shall exceed fifty (50) feet in height.
2. The following structures are exempt from height limitations of this Ordinance: agricultural structures, such as barns, silos, grain elevators; gas tanks; radio and television receiving antennas; manufacturing equipment and necessary mechanical appurtenances; cooling towers; fire towers; substations; and smoke stacks,
3. Essential public services, such as water towers, electrical power and communications, transmission and distribution lines are exempt from the height limitations of this Ordinance.
4. Public and semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of fifty (50) feet.
5. Accessory structures shall not exceed thirty (30) feet in height unless otherwise stated within this Ordinance.

7) 7.2 Yards

This section has not been reviewed since 2005 so may warrant review. It currently reads: (specific areas to review in yellow)

7.2 Yards

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

1. Uncovered stairs, landings and fire escapes may project into any side or rear yard but not by more than six (6) feet and shall not be closer than three (3) feet to any lot line.
 2. Architectural projections, such as chimneys, flues, sills, belt courses and ornaments, may project into any required yard up to two (2) feet.
 3. Accessory uses and detached accessory structures are permitted; they shall not be closer than ten (10) feet to the principal structure, shall not occupy more than twenty (20) percent of the yard area, and shall not be closer than ten (10) feet to any lot line, except in the A-1 and AR-1 districts. In any platted subdivision, accessory buildings are not allowed in the front yard.
 4. Essential services, such as electrical power and communications transmission and distribution lines are exempt from the yard and distance requirements of this Ordinance, but shall not impede visibility of traffic as
-

determined by the authority with highway jurisdiction.

5. Lots not abutting a public right-of-way shall follow the street yard setbacks as listed by zoning district.

8) Administrative appeal limit

Currently, there is no time limit for an administrative appeal under Section 10.4 of the ordinance. The most commonly found period to appeal is within 30 days after receiving notice of the decision.



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Scott.Godfrey@iowacounty.org

Director's Report: EOY 2022

	Since last report	Year to date	same time 2021	Comments
Zoning permits	3	263	271	
Permit project value	\$75,000	\$52,557,456	\$27,715,369	
New residences	0	44	52	
Accessory structures	3	134	133	
Ag buildings	0	69	71	
Solar	0	16	15	
Floodplain/Shoreland pts	0	32	29	
Complaints/Violations	4	75	41	
Certified survey map review	1	60	61	
Zoning Hearings	0	88	85	
Board of Adj hearings	0	2	0	
Sanitary Permits	1	79	98	
Soil Tests Reviewed	2	48	99	
as of Dec. 31, 2022				

Other Updates

- (nothing for the last two weeks of 2022)
-