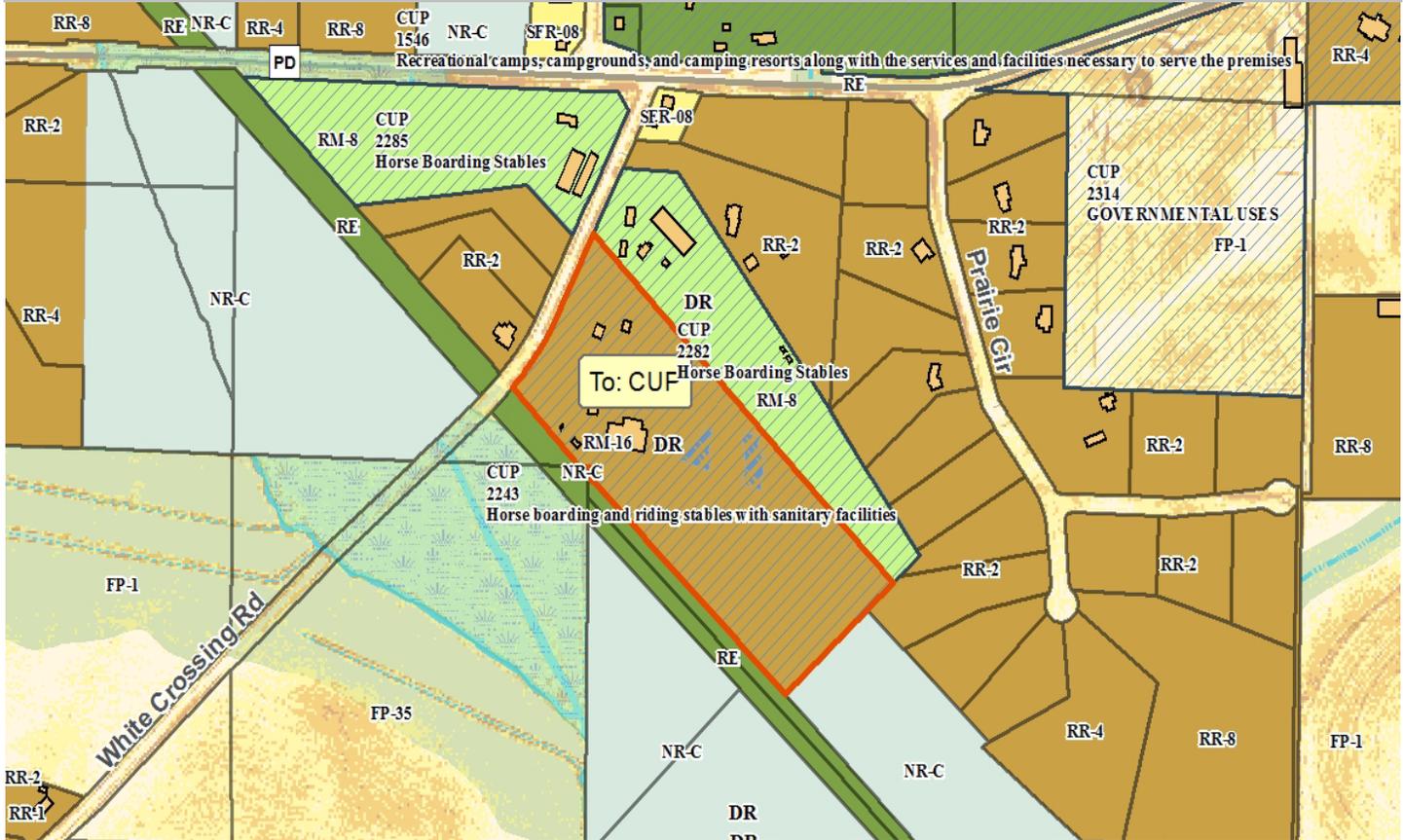


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>October 26, 2021</b>	<b>CUP 02539</b>	
	<u>Zoning Amendment Requested:</u> <b>TO CUP: ATTACHED ACCESSORY DWELLING UNIT-ABOVE GARAGE IN-LAW SUITE</b>		
	<u>Size:</u> <b>20 Acres</b>	<u>Survey Required.</u>	<u>Town/Section:</u> <b>VERONA, Section 7</b>
	<u>Reason for the request:</u> <b>ATTACHED ACCESSORY DWELLING UNIT-ABOVE GARAGE IN-LAW SUITE</b>		<u>Applicant:</u> <b>STACEY BEAN</b>
		<u>Address:</u> <b>2782 WHITE CROSSING ROAD</b>	



**DESCRIPTION:** Applicant requests approval of a Conditional Use Permit (CUP) for an attached accessory dwelling unit (ADU) for the existing 20 acre RM-16 zoned residential property. The owner proposes to construct a studio above the existing garage which would be occupied by relatives.

**OBSERVATIONS/ FACTUAL INFORMATION:** Current use of the property is rural residential. Surrounding land uses are rural residential and open space / agriculture. An area of floodplain (1% annual flood hazard) associated with the Sugar River encroaches onto the middle 1/3 of the property. No new structural development proposed that would impact the floodplain area.

**TOWN PLAN:** The property is located in the town’s Transitional Agriculture planning area.

**RESOURCE PROTECTION:** A resource protection area associated with the 1% annual flood hazard zone of the Sugar River is located on the property.

**STAFF:** Attached accessory dwelling units are listed as a conditional use in the RM-16 district. The town plan does not specifically address accessory dwelling units, though there is a policy in the housing chapter that indicates town support for improvements to be made to existing residences that support senior and special needs residents. Section 10.103(1)

of the zoning code identifies specific limits and conditions on accessory dwelling units. ADUs are limited in size to no more than 800 sqft and intended to accommodate the types of situations the applicant proposes. Plans for the proposed attached ADU show the unit totaling 607 sqft, which would comply with the ordinance limitations. The proposal appears reasonably consistent with town plan policies.

**OCTOBER 26<sup>th</sup> ZLR Meeting:** The petition was postponed due to no town action.

**STAFF UPDATE:** The Town Board has approved the conditional use permit with no conditions. The application appears to meet the 8 standards for obtaining a conditional use permit. If approved, staff suggests the following conditions:

- 1) No more than one attached accessory dwelling unit may be created.
- 2) The attached accessory dwelling unit shall not exceed 800 square feet of occupiable floor area and shall not have more than two bedrooms.
- 3) The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor from the property on which it sits.
- 4) The lot or parcel of land containing the accessory dwelling unit shall continue to be occupied by the owner of the premises. The owner may live in either the accessory dwelling unit or the principal residence.
- 5) The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings.
- 6) Accessory dwelling units must meet applicable residential building codes and sanitary codes.
- 7) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 8) 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.
- 9) Existing onsite wastewater sewage disposal systems 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.
- 10) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 11) Off-street parking must be provided, consistent with [s. 10.102\(8\)](#).
- 12) 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.
- 13) 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.
- 14) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 15) 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.
- 16) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- 17) If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

If you have any questions or comments please contact Senior Planner Majid Allan at (608)720-0167 or [allan@countyofdane.com](mailto:allan@countyofdane.com)