
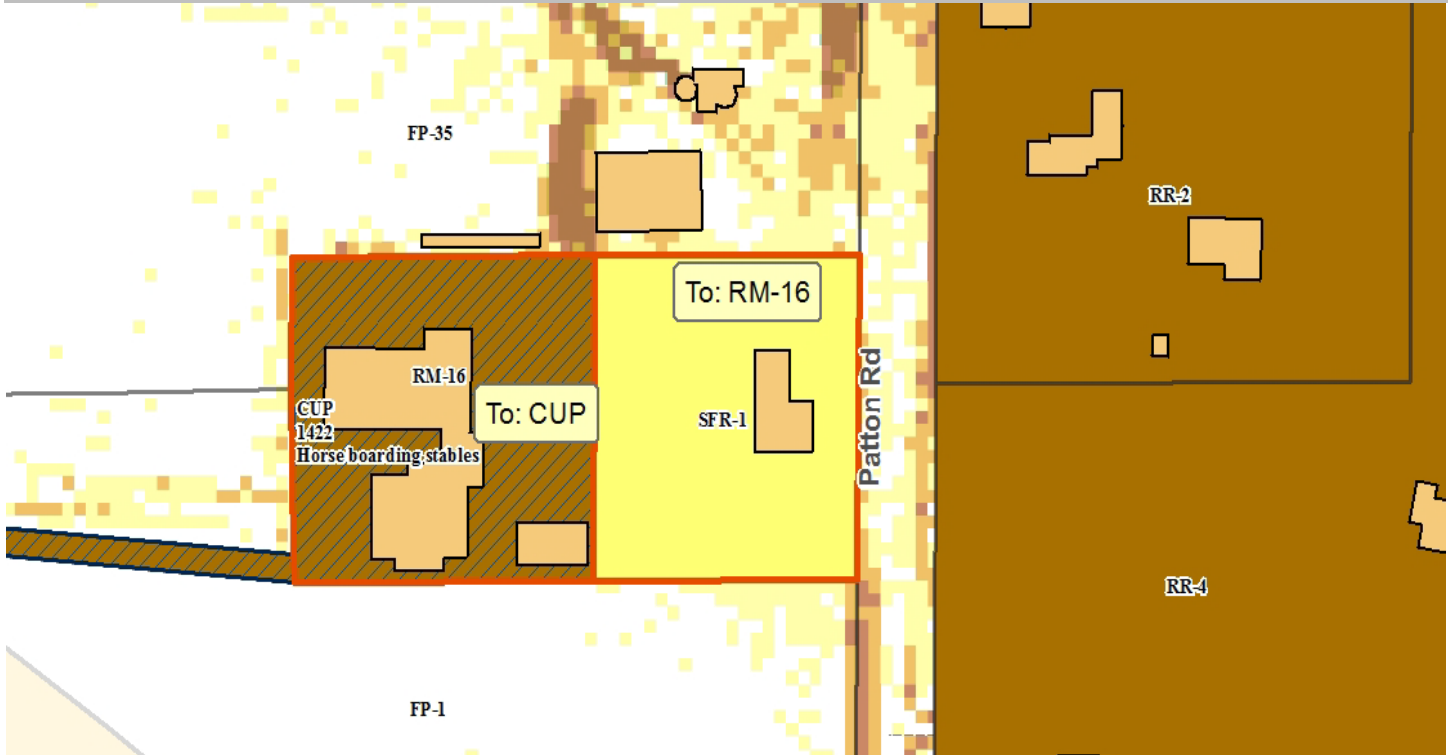


<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p>	<p>Public Hearing: January 25, 2022</p>	<p>CUP 02549</p>
	<p><u>Zoning Amendment Requested:</u> TO CUP: Limited Family Business - Heating Contractor</p>	<p><u>Town/Section:</u> VIENNA, Section 28</p>
	<p><u>Size:</u> 3.01 Acres <u>Survey Required.</u></p>	<p><u>Applicant</u> LIC PROPERTIES LLC</p>
	<p><u>Reason for the request:</u> Limited Family Business - Heating Contractor</p>	<p><u>Address:</u> 6729 PATTON ROAD</p>



DESCRIPTION: The applicant would like to create a limited family business in his existing barn/shed to correct a pending violation. He is currently using the accessory building for an HVAC contractor business/storage.

OBSERVATIONS/ FACTUAL INFORMATION: In discussions around other possible plans for the accessory buildings it was revealed the applicant is already storing his business equipment inside the agricultural buildings. This requires a CUP as a limited family business in the RM-16 district.

All related HVAC related storage will be inside the existing shed. Traffic is expected to be 2-4 trips per day with occasional supply deliveries, similar to residential traffic of the surrounding properties.

TOWN PLAN: The Town Plan has a 1 home per 75 acres density policy. The Town Plan allows for reuse of agricultural buildings for low-intensity uses under certain conditions and minimal impacts to the neighbors.

RESOURCE PROTECTION: There appears to be none on site.

STAFF: The proposal appears consistent with Town and County Comprehensive plans. Any questions about this petition or staff report please contact Curt Kodl at (608) 266-4183 or kodl@countyofdane.com

TOWN: The Town approved with 4 conditions, they are combined with the 14 standard conditions and the conditions required for specific uses (Limited Family Business) listed under s. 10.103(12). All conditions are combined below.

Recommended Conditions of Approval:

1. Seasonal Storage only with no further individual units added to the facility;
2. Current units to be used in limited family business (HVAC Contractor) by owner to store materials and equipment;
3. Prohibit outside storage of construction equipment, recreational vehicles, and construction materials;
4. No additional buildings or structures shall be added to property.
5. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
6. Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings.
7. Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
8. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. 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.
11. 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.
12. 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.
13. 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.
14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
15. Any off-street parking spaces provided must be consistent with s. 10.102(8).
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.