
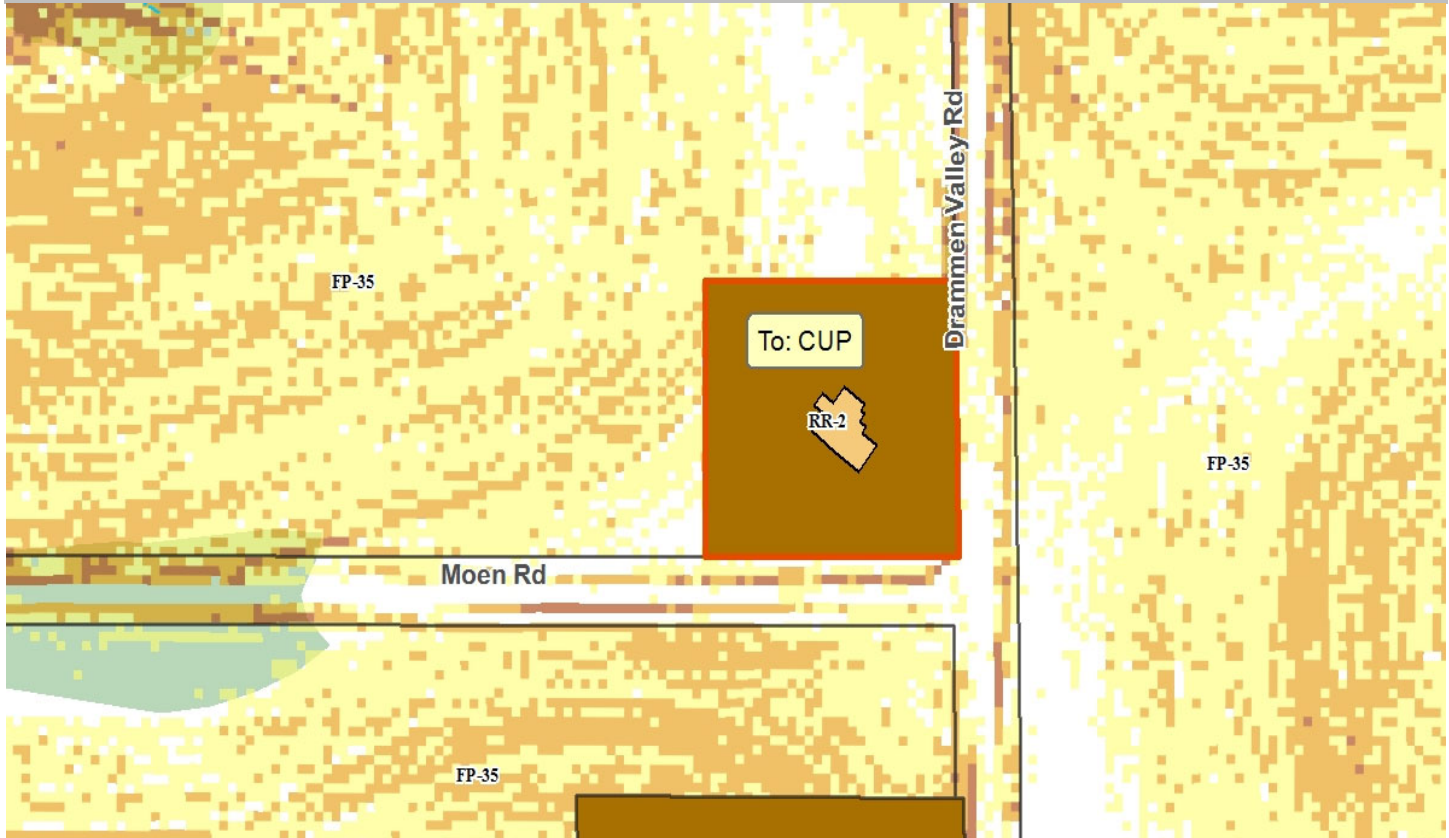


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>September 20, 2022</b>		<b>CUP 02573</b>
	<i>Zoning Amendment Requested:</i> <b>TO CUP: CUP FOR TRANSIENT OR TOURIST LODGING</b>		<i>Town/Section:</i> <b>PERRY, Section 31</b>
	<i>Size:</i> <b>2 Acres</b>	<i>Survey Required.</i>	<i>Applicant</i> <b>BRAD &amp; LAURA TISCH</b>
	<i>Reason for the request:</i> <b>CUP FOR TRANSIENT OR TOURIST LODGING</b>		<i>Address:</i> <b>10962 MOEN RD</b>



**DESCRIPTION:** Applicants seek a conditional use permit for transient and tourist lodging to operate an AirBnB short-term rental in an existing four-bedroom residence.

**OBSERVATIONS/ FACTUAL INFORMATION:** The existing sanitary system on the property was recently inspected and is sized to accommodate no more than 8 people. There is a single row of deciduous trees by the existing house, along Moen Road and Drammen Valley Road. There are two vacant, RR-2 zoned parcels 300 feet and 700 feet to the south. The nearest residence is 1,200 feet to the southeast.

**TOWN PLAN:** The property is within a Farmland Preservation Area in the *Town of Perry / Dane County Comprehensive Plan*. The plan allows for conditional uses that meet county zoning ordinance standards and where impacts to neighboring properties are minimized.

**RESOURCE PROTECTION:** There are no mapped resource protection corridors within 300 feet of the site.

**CUP STANDARDS:** In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans;
8. If the conditional use permit is located in the FP Farmland Preservation Zoning District the land use shall meet the requirements found under 10.220(1)(b).

**TOWN:** The Town Board approved the CUP with the following conditions:

1. Quiet hours: 10 PM – 8 AM.
2. No parties or events.
3. No pets allowed.
4. No ATVs or snowmobiles driven on property or Town roads.
5. No fireworks.
6. No firearms.

**STAFF:** Staff recommends approval of this CUP subject to conditions. See next page for possible conditions of approval, pending public comments at the public hearing.

CUP 2573 recommended possible conditions of approval:

1. The conditional use permit shall expire upon the sale of the property.
2. No more than four bedrooms on the premises shall be rented out, to no more than eight overnight guests. No more than eight persons shall be on the premises at any one time.
3. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
4. 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 Uniform Dwelling Code.
5. 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.
6. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements, including Short-Term Rental/Tourist Rooming House licensing from the Department of Public Health. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. At least four off-street parking spaces 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 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.
12. 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.
13. 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. 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.
14. Quiet hours shall be 10:00 PM – 8:00 AM.
15. No parties or events are allowed.
16. No pets are allowed.
17. No ATVs or snowmobiles may be driven on the property or on Town roads.
18. No fireworks are allowed.
19. No firearms are allowed.

Questions? Contact Brian Standing at [standing@countyofdane.com](mailto:standing@countyofdane.com).