
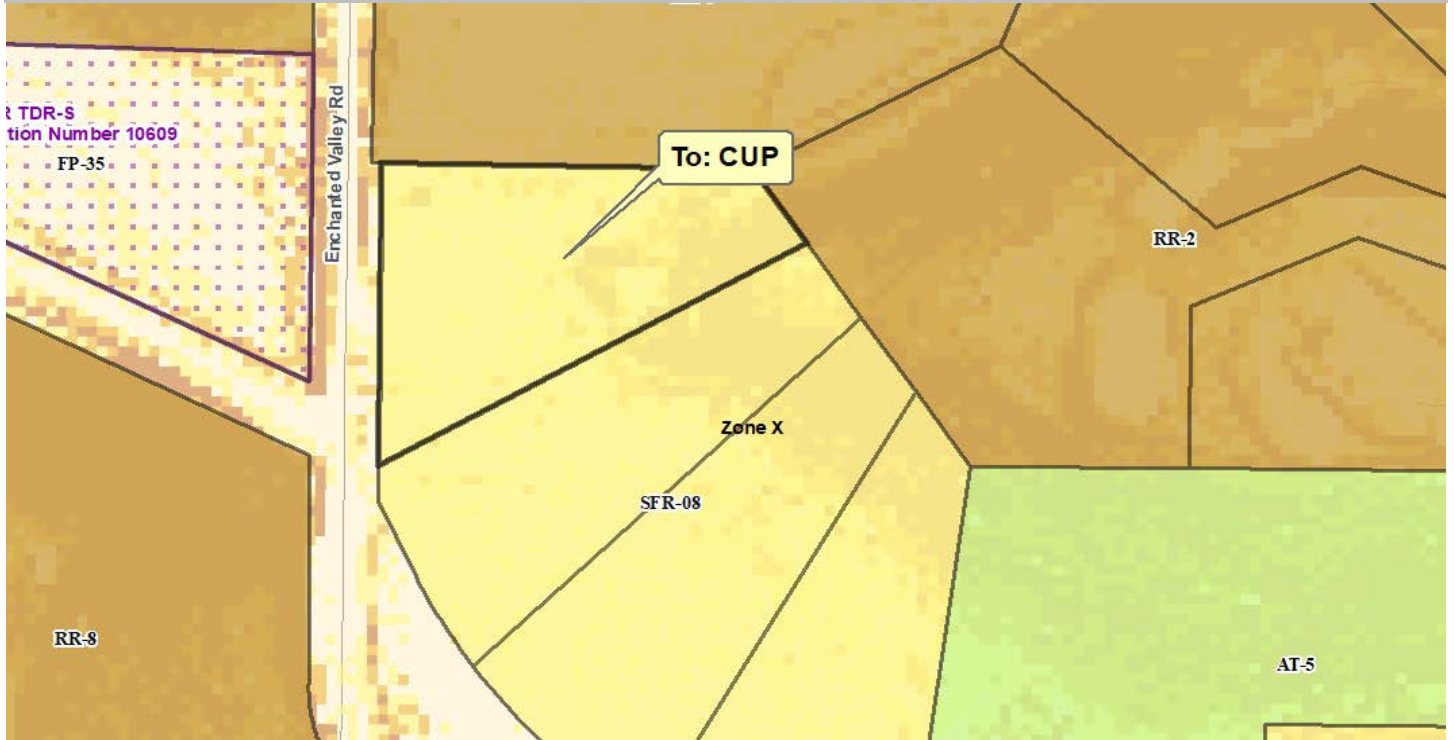


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| <b>Staff Report</b><br><br><br><br><b>Zoning and Land Regulation Committee</b> | <i>Public Hearing:</i> <b>August 25, 2020</b>  |                         | <b>CUP 02502</b>   |
|   | <i>Zoning Amendment Requested:</i><br><b>TO CUP: allowing height of accessory building to be 16' or less</b> |                         | <i>Town/Section:</i><br><b>MIDDLETON, Section 6</b>        |
|   | <i>Size:</i> <b>3.52 Acres</b>   | <i>Survey Required:</i> | <i>Applicant</i><br><b>HELLENBRAND LIVING TR, JUDITH E</b> |
|   | <i>Reason for the request:</i><br><b>allowing height of accessory building to be 16' or less</b>             |                         | <i>Address:</i><br><b>LANDS NW OF 8778 AIRPORT ROAD</b>    |



**DESCRIPTION:** The applicant is planning to build a single-family residence on the northernmost lot and would like to have a residential accessory building with a 16’ tall median roof height.

**OBSERVATIONS/ FACTUAL INFORMATION:** The property is in a largely residential area with larger lots and agriculture in the Town of Cross Plains that is across the road.

**TOWN PLAN:** The property is in the Residential/Agricultural planning district of the Town comprehensive plan. The CUP is for a residential out building with no commercial uses.

**RESOURCE PROTECTION:** There are no environmentally sensitive features on this site.

Prior to granting or denying a conditional use, the zoning committee shall consider findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- b. That 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;

- c. That 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;
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- g. That the conditional use is consistent with the adopted town and county comprehensive plans.
- h. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

**STAFF:** The zoning district allows for the construction of an accessory building up to 12 feet in mean elevation (middle of the roof). The landowner may construct an accessory building up to 16 feet in mean height if a conditional use permit is obtained. The applicant has requested a CUP for the maximum 16 feet in mean height, in this proposal it would place the peak of the building at 19.5 feet.

Any questions about this petition or staff report please contact Curt Kodl (608)266-4183 or [kodl@countyofdane.com](mailto:kodl@countyofdane.com)

The proposed larger out building is consistent with town plan policies.

Staff recommends approval of the CUP subject to the following conditions:

1. This conditional use permit shall be for an outbuilding with a median roof height of 16 feet.
2. The applicant/landowner shall comply with all of the conditions set forth in Dane County Code of Ordinances
3. Section 10.101(7)2.a., Standard Conditions, which apply to every conditional use permit (CUP).
4. The accessory building shall not be larger than the footprint of the house.

**TOWN:** The Town Board has approved the conditional use permit to allow the accessory building to be constructed up to 16 feet in mean height. The accessory building shall not be larger than the footprint of the house.