
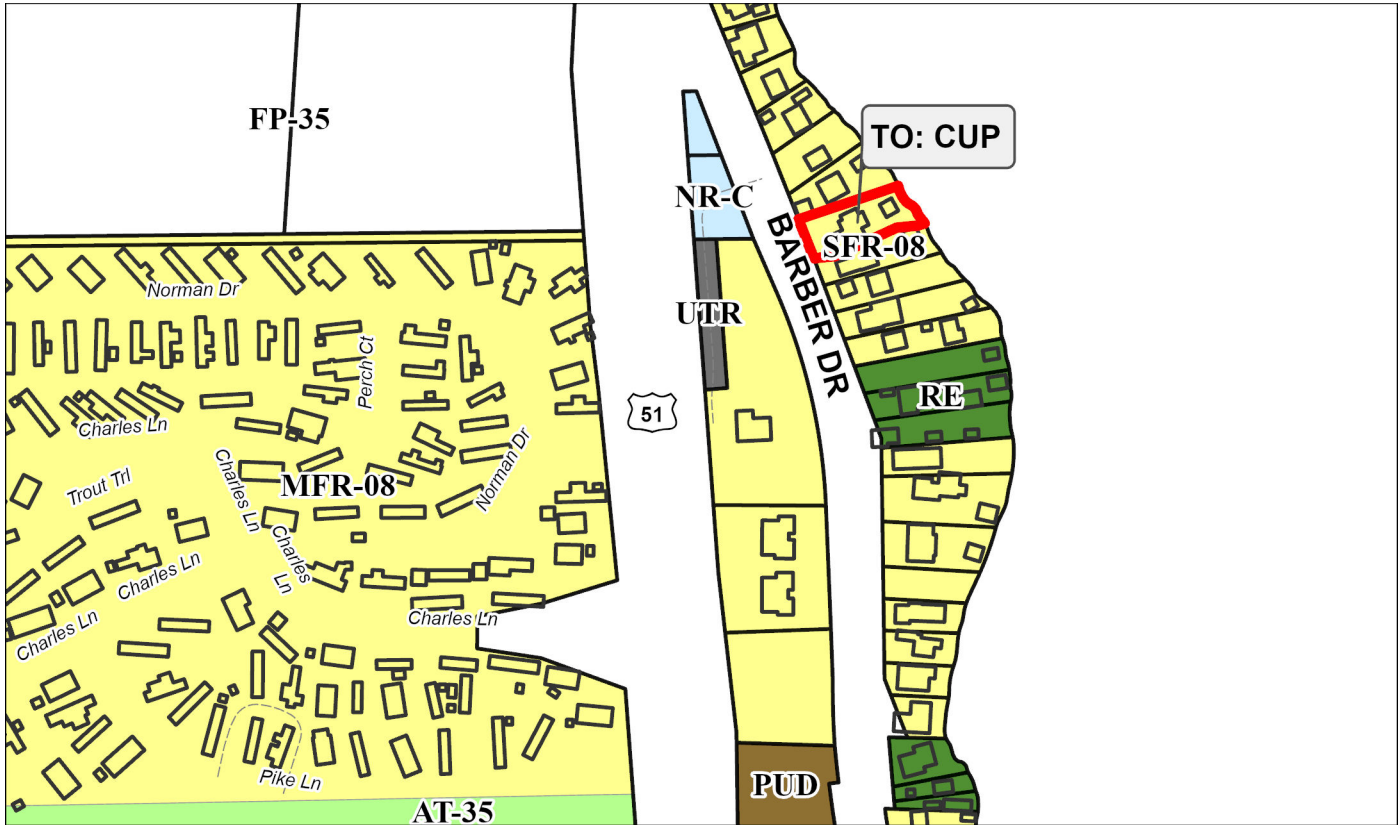


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| <p>Staff Report</p>  <p>Zoning & Land Regulation Committee</p> | <p><u>Public Hearing:</u> August 27, 2024</p> | <p>Conditional Use 02628</p> | |
| | <p><u>Zoning Amendment Requested:</u> TO CUP: Transient or Tourist Lodging</p> | | <p><u>Town, Section:</u> DUNN, Section 26</p> |
| | <p><u>Size:</u> 0.26 Acres</p> | <p><u>Survey Required:</u></p> | <p><u>Applicant:</u> HEATHER M KRUSE</p> |
| | <p><u>Reason for the request:</u> Transient or Tourist Lodging</p> | | <p><u>Address:</u> 2046 BARBER DRIVE</p> |



DESCRIPTION: Heather Kruse and Darnell Granberry request a conditional use permit (CUP) in order to rent out an existing home on Lake Kegonsa for short-term rentals. They request to rent the home to no more than 6 guests with a minimum stay of 7 nights at a time.

OBSERVATIONS / FACTUAL INFORMATION: The property is in residential use, and is a quarter-acre lot in a residential subdivision. The surrounding land uses are single-family residential homes to the north, south and west. There is also undeveloped agricultural land to the west across Highway 51. Transient or tourist lodging is listed as an allowable conditional use in the SFR-08 zoning district.

RESOURCE PROTECTION: The property is within the Shoreland Zone due to proximity to Lake Kegonsa. No new development is proposed with this petition.

COMPREHENSIVE PLAN: The property is located in the town’s limited service area (sewer service area). It is important to note that state law (Wis Stats 66.1014) includes protections allowing the short term rental of residences for periods of 1 week or longer. Local governments may require a permit to be obtained, but may only limit rental use to periods of at least 6 months (either consecutive or non-consecutive) in any consecutive 365 day period.

Local governments may also enact licensing ordinances. The Town of Dunn has enacted such an ordinance, which requires a license and limits rentals to periods of 7 days or more and 180 total days per year. Note that all short term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the

operation meets all requirements of Wisconsin law related to general public health. The zoning code includes standard conditions of approval that require adherence to all applicable local, state, and/or federal regulations.

Based on the information provided in the application materials, it appears the proposed conditional use falls within the protections found in state law and would meet the licensing requirements of the Town of Dunn.

Pending any concerns raised at the ZLR public hearing, or by the town in the course of its review, the proposed conditional use appears reasonably consistent with comprehensive plan policies.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or allan.majid@danecounty.gov.

CONDITIONAL USE PERMIT DECISION MAKING: “Conditional uses” are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant’s testimony with regards to meeting the standards.

1. *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.*

The CUP application describes the proposed rental operations plan. The applicants state that they will vet and limit potential guests to a maximum of 6, no rentals to guests under 25 years of age, enforce a no-party rule, and establish quiet hours from 10:00pm to 7:00am. In addition, there will be no outdoor storage or signage (other than trash and recycling cans), no smoking, and no pets allowed.

All short term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health. The applicant will need to obtain a license from PHMDC and the Town of Dunn.

2. *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.*

The applicant states that they currently use the property as a family vacation home and the rental use will operate in the same manner. They anticipate only noise at levels consistent with single-family residential use and the neighborhood, and would enforce quiet hours. In addition, vehicles will be limited to 3 guest vehicles per stay.

3. *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.*

The applicant states that the owner maintains the property and visits at least weekly to address maintenance issues, including mowing the grass, landscaping, and removing garbage.

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. This property and most of the surrounding properties are already developed as single-family residential lots, or are zoned for agricultural preservation, and no exterior changes to the property are proposed in association with the proposed use.

4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.*

The utilities, access roads, drainage, and other improvements needed for the proposed use are comparable to those necessary for a single-family house that is not used for short-term rentals. As noted above, the property is

served by public sanitary sewer. The applicant states that no site improvements are needed to accommodate the conditional use.

5. *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.*

Off street parking is provided for the property by a 4-car parking pad and a 1-car garage, to minimize traffic congestion on public streets. No changes are proposed. The parking pad is at least 40 feet wide and the driveway in front of the garage roughly 20 feet wide, which would provide space for at least 5 vehicles (or fewer vehicles with a boat or trailer). The applicants propose to limit guests to 3 vehicles per stay.

6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.*

The proposed use conforms to the applicable regulations of the SFR-08 zoning district. Transient or tourist lodging is an allowable conditional use in the district. The owners state they will market the property for rent with the regulations set forth.

7. *That the conditional use is consistent with the adopted town and county comprehensive plans.*

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

8. *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).*

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to short-term rentals typically involve noise, vehicle traffic, and sanitary waste management. The CUP application addresses how these matters as noted above. In addition, potential conditions of approval specific to this CUP can be developed after public input and deliberation by town and the ZLR Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for short-term rental operations.

TOWN ACTION: On July 8, 2024 the Town Board approved the conditional use with 10 conditions (see staff recommendation below).

STAFF RECOMMENDATION: Staff believes that the applicant has not yet provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information described in the sections above, and is also reflected in the town's approval and conditions. The rental use would apply to the principal house only; rental of the accessory structure would be prohibited per the conditions below.

If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above, and (2) we recommend approval with the conditions listed below. The conditions below reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs, and the town approved conditions.

CUP 2628 Potential Conditions of Approval

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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.

4. 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.
5. 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.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking 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 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.
12. 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.

Conditions specific to CUP # 2628:

13. The short-term rental period shall be between a minimum of 7 days to a maximum of 29 days.
14. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
15. There shall be no advertising that is inconsistent with Condition #13 and Condition #14. Advertisements must be consistent with Condition #13 and Condition #14 prior to the issuance of a Conditional Use Permit.
16. Applicant shall not advertise for, nor accept reservations for, more than 6 guests over 11 years old and no more than 6 total guests
17. Applicant shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
18. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.
19. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
20. The boathouse may not be rented out for human habitation.
21. The CUP will terminate when the property is sold.
22. The house rules include requirements for renters to park on the property (including any trailers or boats), and to prohibit firearms and fireworks by renters.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.