
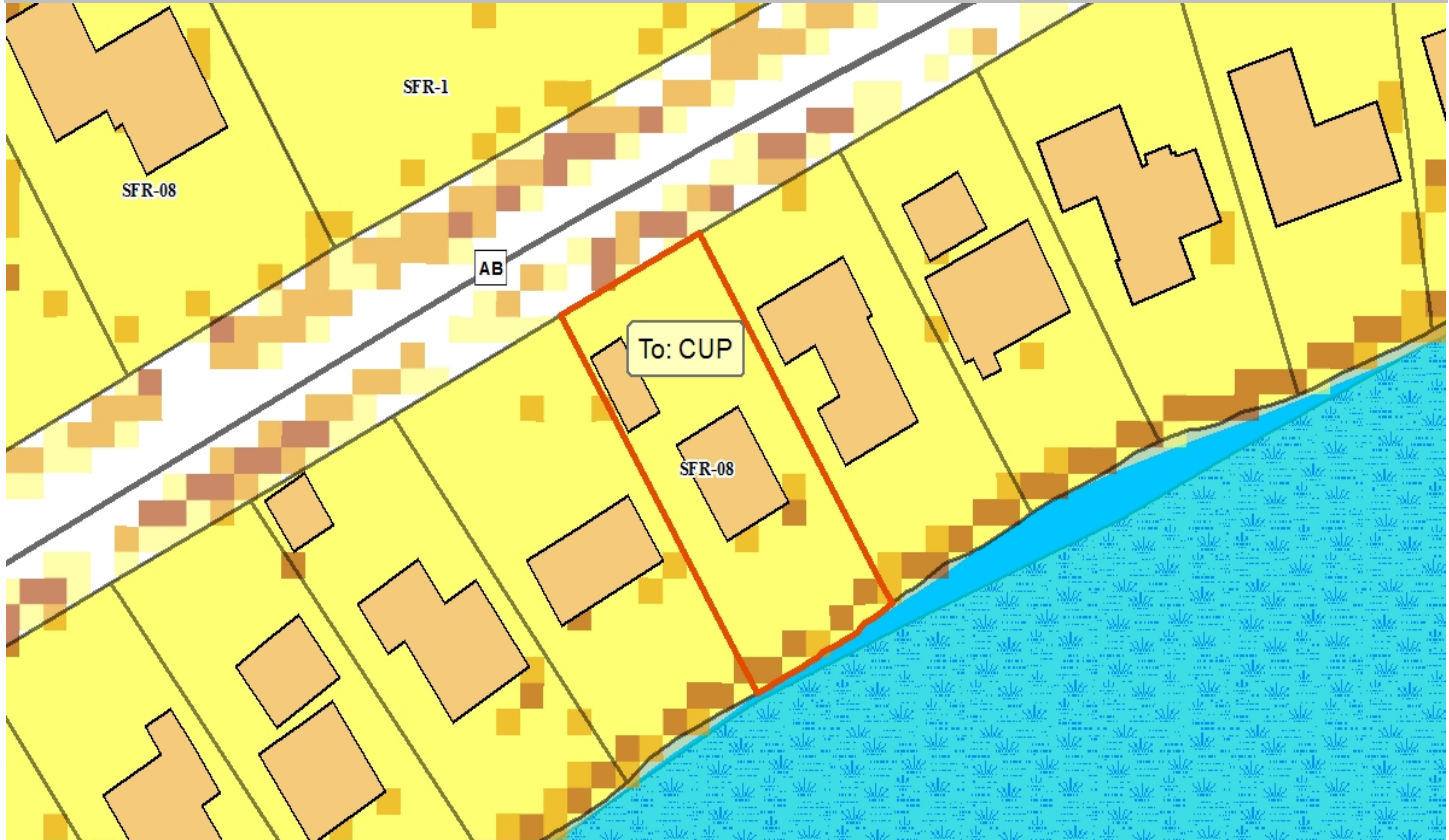


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> October 25, 2022		CUP 02576
	<i>Zoning Amendment Requested:</i> TO CUP: Transient or Tourist Lodging		<i>Town/Section:</i> DUNN, Section 14
	<i>Size:</i> 0.25 Acres	<i>Survey Required:</i> No	<i>Applicant:</i> BRIAN AND MONIQUE BILLINGS
	<i>Reason for the request:</i> Transient or Tourist Lodging		<i>Address:</i> 2396 COUNTY ROAD AB



DESCRIPTION: Owners are requesting approval of a Conditional Use Permit (CUP) for “transient and tourist lodging” (short term vacation rental). Proposal would be to rent the two bedroom dwelling at 2396 County Highway AB for periods of time from 7-29 days, up to 180 days/year, and with a maximum occupancy of 4 guests. The Billings have recently deeded the property to their business entity, Kegonsa Cottages LLC.

OBSERVATIONS/ FACTUAL INFORMATION: The 0.25 acre SFR-08 zoned property is located along the shore of Lake Kegonsa. Existing use is residential, consisting of the 2 bedroom, 900 square foot residence and detached garage. Neighboring land uses are residential. The property is served by public sanitary sewer. Off street parking is provided for the property. No additional facilities are proposed for the conditional use.

HIGHWAY DEPARTMENT: CTH AB is not a controlled access highway. No new access will be permitted on CTH AB due to this petition. No significant increase of traffic expected due to conditional use permit.

TOWN PLAN: The property is located in the town’s limited sanitary sewer service planning area.

State statutes allow for 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 rentals to no less than 180 days (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. Note that all such 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 has obtained and holds a PHMDC license.

The Town of Dunn ordinance also requires a license and limits the rentals to periods of 7 days or more and 180 days total, annually. The applicant indicates that 2 off-street parking spots are provided, and 10pm-7am “quiet hours” is required of guests. As indicated below, the town of Dunn has approved the CUP with conditions.

The proposal appears consistent with town plan policies and the town’s licensing ordinance. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: Resource protection corridor associated with the 1% annual flood hazard area of Lake Kegonsa is present on the property. No new development that would impact the environmentally sensitive area.

TOWN ACTION: Approved with conditions (see attached and below).

PUBLIC COMMENT: Staff received public comment expressing concern over, “parking/number of cars; number of renters at one time; number of days required for renter”, and also the potential for weekend parties. Staff believes that the applicant has provided sufficient evidence to largely mitigate the concerns. This includes the home’s relatively small size (2 bdrms, 900 sqft), maximum occupancy of 4 persons, off-street parking, and other rental terms (e.g., 10pm-7am “quiet hours”). The proposal complies with both the allowances provided in state law and the town’s licensing ordinance. In addition, the suggested conditions below are intended to ensure the proposal meets the required standards for approval of a CUP.

STAFF RECOMMENDATION: Pending any additional concerns raised at the public hearing, staff recommends approval of the petition with both the town conditions (#1-7) and standard conditions of approval for all CUPs in the zoning code (#8-20). The recommended conditions below are designed in part to mitigate the potential for any conflicts or nuisance complaints from neighboring residents.

1. The rental period shall be between a minimum of 7 days to a maximum of 29 days.
2. 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.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 4 guests over 12 years old and no more than 4 total guests.
5. Operator 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.
6. 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.
7. The CUP will terminate when the property is sold.

Standard Conditions from [s. 10.101\(7\)\(d\)2](#)

8. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
9. 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.

10. 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.
11. 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.
12. 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.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. Off-street parking must be provided, consistent with s. [10.102\(8\)](#).
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com