

Staff Report



**Zoning and
Land Regulation
Committee**
Questions? Contact:
Majid Allan – 267-2536

Public Hearing: **November 26, 2019**

Zoning Amendment Requested:
Conditional Use Permit

Size: **15.087 Acres**

Survey Required: **No**

Reason for the request:

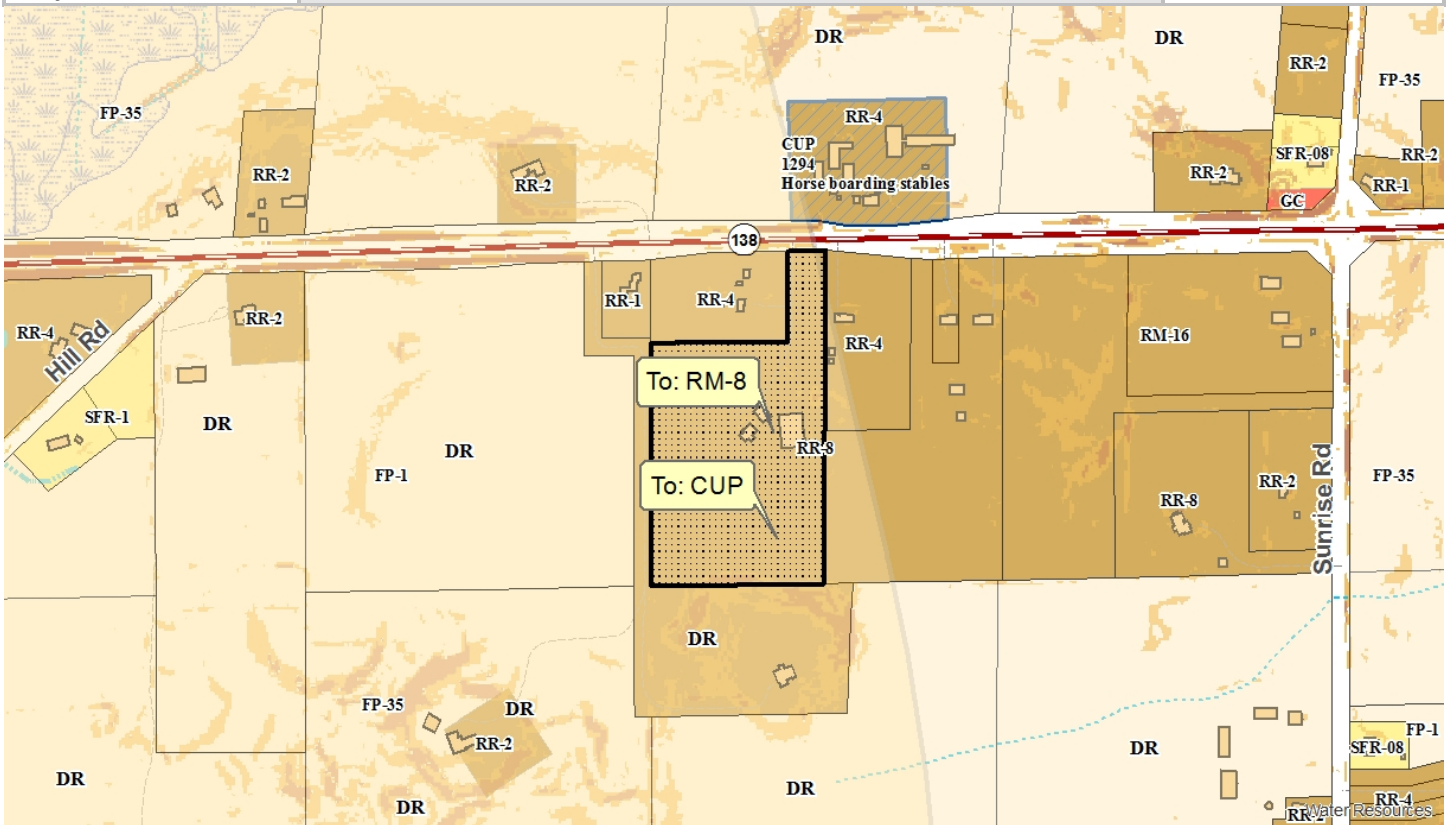
Large animal boarding facility and plumbing inside boarding stable

CUP 02483

Town/Section:
RUTLAND, Section 8

Applicant
TIMOTHY F H ALLEN

Address:
**4321 STATE HIGHWAY
138**



DESCRIPTION: Applicant requests approval of a conditional use permit to allow for large animal (horse) boarding on the 15 acre parcel in an existing accessory building. The CUP request is contingent on approval of associated rezoning petition 11496 which seeks RM-8 (Rural Mixed Use) zoning for the property. Applicant indicates hours of operation would be 8am-8pm daily, with no more than 1 employee and 5 customers, and no new structures proposed. The boarding operation would involve up to 5 horses in addition to the 5 personal horses currently housed in the barn. A bathroom facility in the accessory building is also requested.

OBSERVATIONS / FACTUAL INFORMATION: Existing uses of the property are rural residential and small scale farming. The application materials provide substantial evidence that adequately address the standards for issuance of a conditional use permit. No new buildings, signage, outdoor storage, outdoor loudspeakers, access drives, additional parking, public/special events, or other ancillary facilities are proposed. Existing (RR) and proposed (RM) zoning allow for agricultural uses, and the proposed conditional use – large animal boarding – is effectively agricultural in nature. Surrounding land uses are rural residential and agriculture / open space. There are 5 residences located 425-800+ feet away from the accessory building that would house the horse boarding operation. Mature trees line the property boundaries and appear to provide a substantial buffer from the adjoining rural residential lots.

TOWN PLAN: The property is located in the town’s agricultural preservation area.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: Staff has reviewed the application materials and believes the applicant has provided sufficient substantial evidence to demonstrate that the proposal meets the applicable ordinance standards for issuance of a conditional use permit.

Staff has prepared the following list of conditions based on substantial evidence and which may be applied to ensure the use meets the applicable standards for approval and the purposes of the ordinance. These conditions are in addition to the standard conditions of approval applicable to all conditional use permits and found in section 10.101(7)(d)2 of the Dane County Zoning Ordinance. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. Approval of Conditional Use Permit #2483 is contingent on approval of rezoning petition #11496.
2. The Conditional Use Permit shall be for large animal boarding to occur in the existing barn as identified on the site plan submitted with the petition.
3. Installation of a bathroom facility in the existing barn is permitted.
4. Hours of operation of the horse boarding operation shall be limited to 8 am to 8 pm, daily.
5. No more than one employee is permitted.
6. No more than 5 customers is permitted.
7. Pursuant to the requirements of section 10.103(6) regarding large animal boarding, the committee and town board impose the following limit on the total number of animals that may be present at any one time, as appropriate to the site and neighboring land uses: no more than 10 horses allowed.
8. Adequate storage and lighting shall be provided. Any outdoor lighting shall be down-shrouded to prevent light pollution onto adjoining properties.
9. No special events, signage, or outdoor loudspeakers permitted.
10. Compliance required with all applicable standard conditions of approval found in section 10.101(7)(d)2 and 10.103(6).
11. Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
12. Each animal shall be provided with adequate exercise space.

TOWN: The Town Board approved the conditional use permit with 6 conditions (note the town conditions are incorporated in the staff recommended conditions, above).