

TOWN OF SPRINGDALE
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Feb. 8, 2017

Mr. Roger Lane
Dane County Zoning Administrator
Dane County Zoning Office
City-County Building
210 Martin Luther King, Jr. Blvd., Room 116

Re: Town of Springdale – Revocation of Conditional Use Permit #2092 (CUP) – Jon Steinhauer

Dear Mr. Lane:

On behalf of the Town of Springdale, I respectfully submit this letter asking the Zoning and Land Regulation Committee to uphold the Town's recommendation to the ZLR to revoke the CUP for Jon Steinhauer.

In making its decision, the Town Board complied with applicable legal and Dane County Ordinance requirements. This is evidenced by the enclosed copy of the minutes of the Town Board's Jan. 16, 2017 meeting.

The Town Board moved to revoke the CUP based on the following:

During the years Jon Steinhauer has been operating an automotive repair business out of his residential accessory building on a cul-de-sac of eleven residential homes he has violated the following standards.

1. A C-2 zoning business has been conducted on land zoned A-1, inconsistent with the Town of Springdale Land Use Plan. The Steinhauer residential lot is zoned A-1 Agriculture District. An automotive repair business is a permitted use in C-2 Commercial District. The Town of Springdale Land Use Plan (Plan) does not support C-2 zoning on Sand Ridge Ct. The guidelines of the Plan are designed to promote rural non-residential uses primarily related to agriculture that do not impact negatively on the rural character of the town. This business is not agriculture related and does not promote the rural character of the town.
2. The purpose and intent of the limited family business CUP have been violated. When Jon applied for the CUP in 2008, he stated his intent was to repair vehicles for family and close friends after coming home from his full-time job. The purpose and intent of the CUP for a limited family business is to accommodate small family businesses. The hobby-like business has grown to be his full-time business. The vehicles that are repaired are not restricted to only the vehicles for family and close friends as Jon asserted in his application, but rather, area businesses also bring vehicles to him to repair. It is inherent in a limited family business CUP that rezoning or relocation of the business may be necessary if the business is expanded.
3. The specific conditions of CUP #2092 have been violated. Dane County Zoning inspections, several aerial photos of the property and the written complaint by a property owner on Sand Ridge Ct. (copy enclosed) verify that the property has been in violation for miscellaneous junk, machinery and equipment stored outside, unlicensed and inoperable vehicles and the number of vehicles parked outside over the years.

4. The use of the residential accessory building for a commercial business violates the Town of Springdale Residential Building Ordinance. The accessory building on Jon's residential lot as used for his automotive repair and service business is considered "commercial" by most state building standards. Its use meets the definition of "Commercial accessory building" in the Town of Springdale Residential Accessory Building Ordinance - "An accessory building used for business or commercial purposes, and not used for residential purposes..." The accessory building does not meet the

requirements for a residential accessory building. Furthermore, the building may not meet the standards required for a commercial accessory building for fire safety, explosion-prevention, pollution control for petroleum-based and toxic substances, etc.

5. The part-time or full-time automotive repair business does not meet the six standards as listed in the Dane County Code of Ordinances Section 10.255.

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

Not met. The CUP is proposed adjacent to an established neighborhood that had expectations about the type of development which could occur in this area based on the Plan. (Plan Sec. 1 Introduction and Sec. 3 Goals.) This proposal is inconsistent with the Plan.

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.

Not met. The CUP negatively impacts the enjoyment and the value of other property in the neighborhood. It decreases the potential number of perspective buyers of Sand Ridge Ct. properties, and consequently the property values, when an automotive repair business is within sight of all the properties on the cul-de-sac.

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

Not met. Sand Ridge Ct. is a town road built to standards for typical residential traffic for 11 single-family homes. For the Steinhauer automotive repair business, flatbed trailers carrying several vehicles have been observed delivering vehicles for repair to the property. In fact, an aerial photo dated 2014 in DCI maps shows a flatbed trailer parked on the property. The town road is inadequate for this type of commercial use. Furthermore, the cost of maintaining and repairing the town road, as the only access road to the private business, should not be borne by Springdale taxpayers.

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

Not met. The property is in the A-1 district. This is a commercial use inconsistent with the Plan (Plan Sec. 3 Goals and Sec. 10 Non-residential Uses.)

6. The violations have been ongoing since 2008. History is repeating itself. In the initial Dane County Zoning violation letter dated Sept. 8, 2008, the inspector observed many vehicles parked outside the accessory building and unlicensed and inoperable vehicles. The exact same violations, and more, were noted in the Nov. 23, 2016, Dane County Zoning violation letter.

In conclusion, the Town respectfully requests that the ZLR uphold the Town's recommendation to revoke CUP #2092. Town Board representatives will attend the Feb. 14, 2017, ZLR Committee meeting and will respond to any questions.

Sincerely,

Vicki Anderson, Town Clerk

MINUTES OF THE SPRINGDALE SPECIAL TOWN BOARD MEETING, Jan. 23, 2017

Immediately prior to the regular monthly meeting of the PC noticed above, at 6:45 p.m., the Springdale Town Board will conduct a special meeting for the purpose of discussing the hiring of a Town Treasurer. The interviews and closed session of the TB was held on Monday, Jan. 16, 2017, and the outcome of that process will be made public.

MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, Jan. 16, 2017

IN ATTENDANCE: Town Board Chair Ed Eloranta, Supervisor I Mike Fagan, Supervisor II Richard Schwenn and Clerk Vicki Anderson in attendance.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 1/12/2017 the agenda was posted in the three customary locations in the Town of Springdale as required by law and, as a courtesy to the residents, the notice of the meeting was published in the *Mt. Horeb Mail* on 1/12/2017. In addition, the meeting agenda notice included the expectation for the Town Board to meet in closed session for Town Treasurer interviews and to reconvene in open session.

CALL TO ORDER: by Chair Eloranta, 4 p.m. in open session. MOTION by Eloranta/Fagan to convene in closed session under the following exemption – Employee evaluation. Considering employment, promotion, compensation, or performance evaluation data of an employee. Sec. 19.85(1)(c). Seven applicants were interviewed for the Town Treasurer position, effective April 18, 2017. Motion to convene in closed session carried unanimously: Eloranta – aye, Fagan – aye, Schwenn – aye.

RECONVENE IN OPEN SESSION/CALL TO ORDER: by Chair Eloranta.

MINUTES: MOTION by Fagan/Schwenn to approve the minutes as distributed of the monthly Town Board business meeting on 12/19/16. MOTION carried 3-0.

PUBLIC INPUT: NON-AGENDA ITEMS: - None

SCURE REPORT: Postponed until Feb. 20, 2017 TB meeting.

J. STEINHAUER/NON-COMPLIANCE WITH LIMITED FAMILY BUSINESS - CUP #2092/1861 Sandridge Ct./Sec. 34:

Background: The following handouts were distributed:

1. "Limited Letter of Intent for Conditional Use Permit-Limited Family Business-Business Plan" submitted in 2008 by J. Steinhauer to apply for CUP.
2. Town of Springdale Plan Commission Meeting Minutes-10/27/2008/excerpt of Motion to approve the CUP #2092 with conditions.
3. Nov. 23, 2016 Notice of Zoning Violation to Jon and Wendy Steinhauer from Dane County Planning and Development Zoning Inspector Patrick Klinkner.
4. Dane County Code of Ordinances Chapter 10.192 "Procedure and Standards of Operation for Limited Family Business."

History:

1. Sept. 26, 2008 Notice of Zoning Violation to Jon and Wendy Steinhauer from Dane County Planning and Development Zoning Inspector Patrick Klinkner. (A copy of this zoning violation was not distributed at the Jan. 16, 2017, meeting.) After receiving a written complaint, the property was inspected. The letter describes the fact that J. Steinhauer was operating an auto repair business from his property, with sales of used motor vehicles. This business use is not a permitted use in the A-1 Agricultural District that covers his property. He was instructed to discontinue running the business on the property or rezone the parcel to C-2 Commercial District which allows for a motor vehicle repair business and sales of used motor vehicles or apply for a CUP for a Limited Family Business.
2. Oct. 27, 2008 and Nov. 17, 2008 Plan Commission and Town Board action to approve the CUP for Limited Family Business with conditions. It was approved based on the 2008 business plan submitted by J. Steinhauer, in which he describes his intent as: "Due to the nature of this permit this is only a part-time job since I already maintain a full-time job, and used only as an invite-only for the repair of family and close friends. My intent is not to expand nor post only ads or signage to create additional traffic in the area."
3. Nov. 23, 2016 Notice of Zoning Violation to Jon and Wendy Steinhauer from Dane County Planning and Development Zoning Inspector Patrick Klinkner. After receiving a written complaint, the property was inspected. The letter describes the fact that J. Steinhauer was in violation of the Dane County Code of Ordinances for miscellaneous junk, unlicensed and inoperable vehicles stored outside, non-compliance with CUP #2092 for the number of vehicles parked outside and the fact that the business had been transformed into a full-time operation.

Discussion: Concerns were expressed and may not limited to the following:

1. The Springdale Town Plan does not support C-2 Zoning District and full-time automotive repair/sales. J. Steinhauer had presented his car repair as a hobby, not as a full-time business, in 2008. He acknowledged that he has been operating as a full-time business since 2013 or 2014. He acknowledged that he takes in cars from friends, relatives and his former employer – a full-time car garage – will bring vehicles for him to repair – up to 11 -16 vehicles have been observed there.
2. Since 2008 the business has expanded and no longer fits the standards for a CUP - Limited Family Business. The CUP for a Limited Family Business specifically states that "A CUP for a Limited Family Business is designed to accommodate small family business without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants

for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded.”

3. This is the second-time around for non-compliance of the CUP and other Dane County Zoning ordinances.

Motion by Fagan/Schwenn to revoke the CUP #2092 at J. Steinhauer’s Sand Ridge Ct. home. The owner has ninety (90) days to discontinue the CUP during which he shall stay within the standards of the CUP for limited family business. Discussion: The intent of the grace period of 90 days is to allow J. Steinhauer time to transition his car repair business from his home to a location appropriate for automotive repair. During the transition time, compliance with all Dane County Ordinances and the CUP conditions for a hobby/part-time job to repair vehicles shall be followed. Motion to revoke the CUP carried 3-0.

PROCESS TO HIRE TOWN TREASURER AND TOWN CLERK: NO ACTION: SEven qualified applicants were interviewed before tonight’s TB meeting. They will be contacted and when an individual is hired, an announcement will be made prior to the 1/23/2017 PC meeting in a special meeting of the TB. Current Town Treasurer Nona Erfurth wanted to have a chance to work with the new Treasurer during the last weeks of this tax collection season so the Treasurer position was advertised first. The Town Clerk position will be advertised in February with interviews in early March. Both hired positions will begin on April 18, 2017, the completion of Nona and Vicki’s current term of office.

PLAN COMMISION APPOINTMENT: Nomination by Eloranta of David Schmidt to serve on the Plan Commission. Motion by Fagan/Schwenn to approve the nomination. Discussion: After the April 4, 2017 election, if Mike Fagan and John Rosenbaum are both elected to the TB, one, if not both, of them may step down from the PC. To be prepared for the decrease in membership, David Schmidt has agreed to serve as a PC member immediately. Motion to approve carried 3-0.

STORAGE CLOSET/CARPET/BATHROOM FLOOR COVERING: MOTION by Fagan/Schwenn to authorize the Clerk to take action to install new carpet in the meeting room and town hall office and new vinyl/linoleum in the bathrooms. Discussion: This project was authorized during the Budget Hearing. Motion to approve carried 3-0.

DANE COUNTY CODE OF ORDINANCES (DCCO) AMENDMENT #67- CONDITIONAL USE PERMIT APPEALS: MOTION by Fagan/Schwenn to recommend to Dane County to NOT change the CUP appeal process. Discussion: Dane County Planning and Development Department proposes that the appeal process for a CUP be changed to streamline the process. Rather than the full County Board hearing the appeal, the appeal would be heard by the DC Board of Adjustment made up of five members. The TB agreed that 5 people vs. 37 people would be a streamlined approach, but question whether some of the CUP decisions should be less cumbersome. Maybe cumbersome is good. The following are reasons to retain the full County Board as the deliberative body in CUP appeals: *A 5 member review board lowers the bar from a 37 member review board; which isn’t good. *The full County Board would include a representative from all areas of the County and the 5 member board could not just by the nature of 5 members only. *Everyone has biases. With 37 members, there are plenty of biases, more than in a 5 member board. Motion to deny the proposed amendment carried 3-0.

BILLS: MOTION by Schwenn/Eloranta to pay the bills. Motion to pay the bills carried 3-0.


ADJOURN: MOTION by Schwenn/Eloranta to adjourn. Motion carried 3-0.

Respectfully submitted, Vicki Anderson, Town Clerk

TO: Town of Springdale Board Members

The attached statement was prepared in preparation for the Township meeting held on January 16th, 2017. The statement was not presented by me at that meeting, due to the decision by the board to revoke the Conditional Use Permit #2092 for 1861 Sand Ridge Ct.

I submit this statement for use by the Township and/or its representatives, in response to the request for neighborhood input regarding the operation of a vehicle repair business at the above noted address. Should there be need to contact me for any reason, I can be reached at 608-832-6683, or the address shown below.



Dan Allen

1851 Sand Ridge Ct

Verona, WI 53593

FEB 02 A.M.

My name is Dan Allen, and I reside at 1851 Sand Ridge Ct., in the Town of Springdale.

When Mr. Steinhauer initially began his car repair business, he was content to operate from his property next door however he wanted to do it, without regard for his neighbors, and without a proper permit. When the Township of Springdale and the Dane County Zoning Division became aware of this, only then did he apply for a Conditional Use Permit. I was against the issuance of the permit at that time, but the Township wanted to allow Mr. Steinhauer to operate a "Hobby/Part-time" business that would service the vehicles belonging to friends and family.

Since that time, Mr. Steinhauer has demonstrated that he is unable or unwilling to abide by the simplest of rules, set forth in the C.U.P. He has established a history of breaking or bending the rules, if it satisfies his own agenda, and the only time he complies with the laws, is when he gets caught breaking them. Mr. Steinhauer has violated the conditions of his permit time and again. But perhaps the most flagrant violation is the "thumbing of his nose" at his neighbors and the Township. While hiding under the guise of a part-time Conditional Use Permit, he chose to operate his business FULL time for over 2 years! This type of behavior serves to accomplish but one thing... a violation of the TRUST relationship that is inherently critical, whenever anyone asks the Township to deviate from norm. As a neighbor, once this trust has been broken, I find it impossible to believe anything Mr. Steinhauer says... his word has no credibility. How can I be sure he hasn't committed worse violations? I now question things like the proper disposal of toxic waste materials, perhaps affecting the quality of our ground water. Numerous new and worrisome concerns make their way into my mind, once MY trust has been broken.

As a neighbor whose property values are at stake, I would ask the Township Board to REVOKE the C.U.P., based not so much on my personal statement, but on the facts and findings of the Dane Co. Zoning inspector. I ask that you NOT entertain a "tweaking" of the conditions, or consider issuing a new/different permit. That would only create future incidents of NON-

compliance. The Township must NOT take on the role of enabler, but rather insist that this business re-locate to a more appropriate site... one that would allow for the growth, expansion and success of Mr. Steinhauer's business; where he can operate free from concern for his neighbors and their property, and for the Township.

In any regard, I ask that you NOT allow this type of business to exist in a Rural Residential neighborhood. *It was tried, and does not work.*