
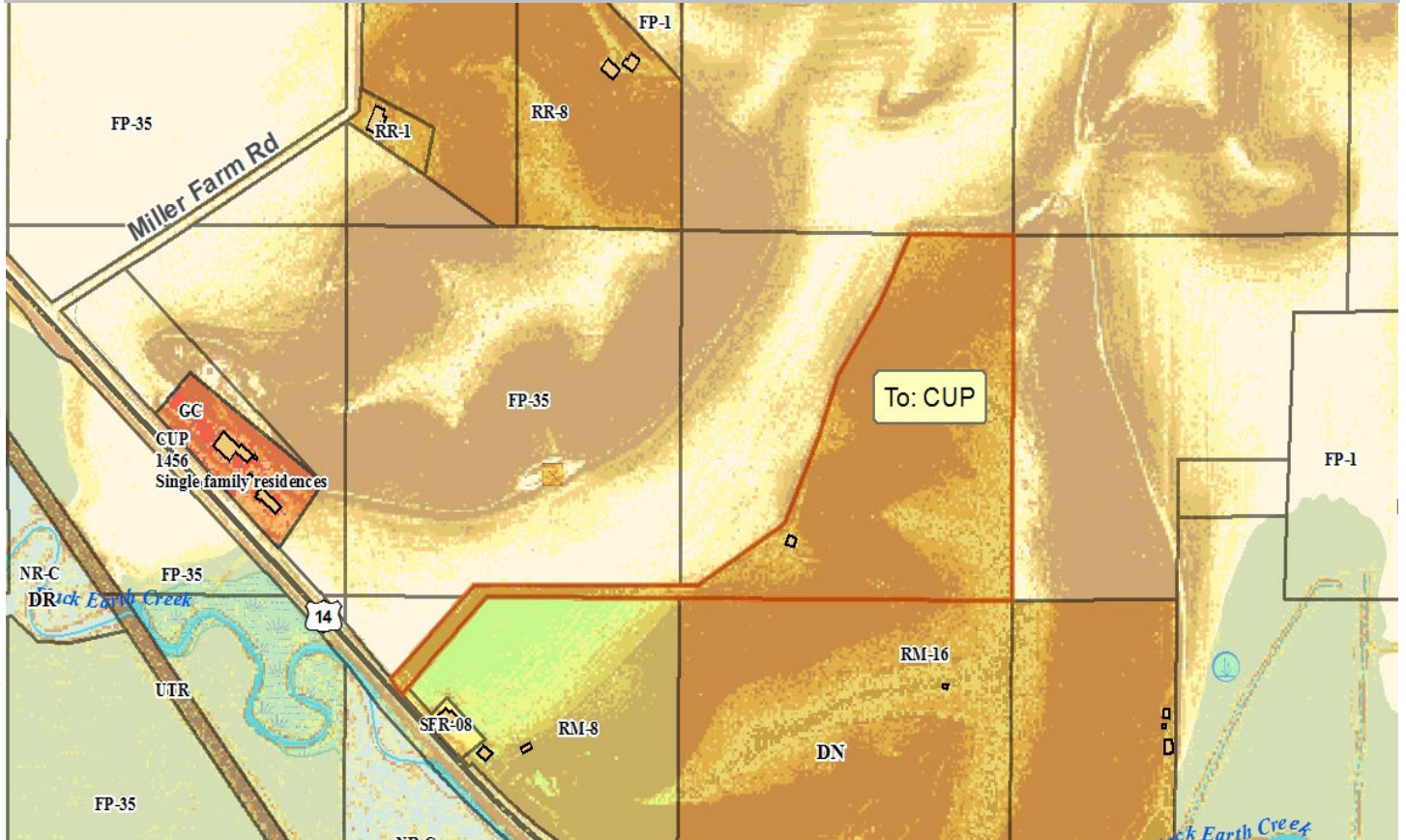


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<b>Public Hearing: June 22, 2021</b>	<b>CUP 02520</b>
	<b>Zoning Amendment Requested:</b> <b>TO CUP: Limited Family Business - Construction company office/bathroom</b>	<b>Town/Section:</b> <b>BLACK EARTH, Section 23</b>
	<b>Size: 25.3 Acres</b>	<b>Survey Required.</b>
	<b>Reason for the request:</b> <b>Limited Family Business - Construction company office/bathroom</b>	<b>Applicant:</b> <b>KOREY A KAHL</b>
		<b>Address:</b> <b>10016 US HWY 14</b>



**DESCRIPTION:** The applicant seeks a conditional use permit to operate a residential construction business with a bathroom out of a new accessory building yet to be constructed on an existing RM-16 lot.

**OBSERVATIONS/ FACTUAL INFORMATION:** The property is bordered on the north and west by farm fields and scattered residences. The lots to the south and east are either large residential lots or agriculture/open space. The proposed shed is estimated at 1,800 ft off Hwy 14 with no nearby neighbors. An authorization update may be required from WiDOT.

**TOWN PLAN:** The property is in the Agricultural Preservation district in the Town of Black Earth Comprehensive Plan. The plan allows for commercial development as long as goods and services are “appropriate for the community” and specifically: “Limited family businesses, as defined in the County Zoning Ordinance, will be reviewed and considered as conditional use permits, which do not require rezoning”

**RESOURCE PROTECTION:** There are resource protection areas related to the slopes onsite. The owner need to take care to avoid slopes over 15%. (Maximum allowable slope for building sites per the Town plan)

COMMENTS FROM LWRD STAFF:

1. Disturbance over 4,000 SF will require erosion control permit.
2. Creation of over 20,000 SF impervious will require stormwater permit.

**STAFF:** The proposal appears consistent with Town and County Plans. Any questions about this petition or staff report please contact Curt Kodl at (608) 266-4183 or [kodl@countyofdane.com](mailto:kodl@countyofdane.com)

**TOWN:** The town approved the CUP, with no conditions.

### **CUP 2520**

#### **Proposed Conditions of Approval (these are standard requirements for all CUPs and for Limited Family Business CUPs)**

- 1) The use shall employ no more than one, or one full-time equivalent, employee who is not a member of the family residing on the premises.
- 2) The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.
- 3) Hours of operation for the Limited Family Business shall be Monday through Friday, from 6:00 a.m. to 8:00 p.m.
- 4) All lighting on the site shall be downward-directed and designed to minimize spill onto adjoining properties.
- 5) All storage of materials and supplies shall occur indoors.
- 6) Vegetative screening, is to meet the standards of s. 10.102(12), Dane County Code.
- 7) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 8) New buildings housing the conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code. Buildings shall not exceed 35 feet in height and shall meet all requirements for residential accessory buildings in the RM-16 zoning district.
- 9) Sanitary facilities are only permitted in the accessory building, as detailed in the CUP application.**
- 10) Prior to construction, the landowner must successfully obtain County Stormwater and Erosion Control Permits from the Department of Land and Water Resources, if required.
- 11) 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.
- 12) 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.
- 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 WiDOT 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.
- 20) If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

