

Staff Report
Review and Possible revocation of
Conditional Use Permit # 2092
Limited Family Business
1861 Sand Ridge Court, Town of Springdale



Summary

In September of 2008, the Dane County Zoning Division received a complaint regarding auto repair activity being conducted in an accessory building at 1861 Sand Ridge Court. An inspection revealed that Jon Steinhauer was conducting an auto repair business from the property and conducting auto sales. The property holds the zoning district classification of A-1 Agriculture which does not list commercial business activity as a land use permitted by right. A violation notice was issued to Mr. Steinhauer. See attached. He was provided an option to obtain approval for a limited family business which would allow the business activity to operate on the property.

Mr. Steinhauer submitted an application for a conditional use permit to allow a limited family business. The application described the auto repair business as a part-time venture to repair vehicles as an invite-only for family and close friends and that it would not be a full-time business. (See attached letter of intent as part of the conditional use permit application.)

The Town and County approved Conditional Use Permit #2092 based on the information submitted by Mr. Steinhauer which notes a part-time business operation. Several conditions were placed on the limited family business noting that the operation would be contained within the existing building, there would be no more than 2 vehicles stored outside, and there would be flexible hours for the part-time business subject to no complaints.

In November of 2016, the Dane County Zoning Division received another complaint regarding the activity level of the auto repair business at 1861 Sand Ridge Court. An inspection revealed that the property was in violation for miscellaneous junk on the property, unlicensed and inoperable vehicles

stored outside, and non-compliance with CUP #2092 for the number of vehicles parked outside. At the time of inspection, 14 vehicles were counted. During the inspection, Mr. Stienhauer stated that his business is now a full-time operation. In looking at past aerial photos, the photos show that multiple vehicles were being stored outside since 2010. (See attached 2010, 2013, 2014, and 2015 aerial photos.)

Once again, Mr. Steinhauer was provided an option to revise his conditional use permit to allow for the current expansion of his auto repair business. He appeared at the Town of Springdale Board meeting on January 16, 2017. The Town reviewed the current operation and felt that the business had expanded beyond the scope of a limited family business. The full-time auto repair business should be in the C-2 Commercial Zoning District. The Town of Springdale would not permit C-2 Commercial Zoning at this location. The Town of Springdale made a motion that Conditional Use Permit #2092 should be revoked. (See attached minutes.)

Ordinance language

Conditional Use Permit #2092 for a limited family business is covered under Dane County Code of Ordinances Section 10.192. The intent of a limited family business is “ ..designed to accommodate small family businesses without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants for the conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded.”

Conditional Use Permit process

Limited Family Businesses are listed as a conditional use permit in many districts. In order for the conditional use permit to be granted, the Zoning and Land Regulation Committee must find that all of the six standards as listed in Dane County Code of Ordinances Section 10.255 must be met. The standards are as follows:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
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.
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.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

As part of the approval process for Conditional Use Permit #2092, conditions were placed on the permit in order for the part-time auto repair to fit into the neighborhood. The conditions are as follows:

1. The business shall be limited to auto repair and service.
2. All repair activities shall be conducted inside the existing accessory building.
3. A maximum of (2) two vehicles for repair shall be stored outdoors as designated on the site plan.
4. There shall be no storage of auto materials, parts, or junk outside.
5. The hours of operation shall be 9:00am to 9:00pm. Hours of operation may be amended in the event of neighborhood complaints.

6. Outside lighting shall be limited to one downlite light fixture on the Southwest side of the accessory building.
7. Employees shall be limited to members of the family residing on the premises.
8. No signs shall be permitted on the property.
9. The Conditional Use Permit shall expired upon the sale of the property.
10. The owner is responsible for submitting a plan for storage and/or disposal of solid waste and hazardous material used in the operation to the Town of Springdale on an annual basis.

Committee Action

The Zoning and Land Regulation Committee will need to decide if the conditions of approval are being violated and if the current use of the property no longer meets all six standards of obtaining a conditional use permit.

10.255(2)(m)

Revocation of a conditional use permit. If the zoning committee finds that the standards in subsection (2)(h) and the conditions stipulated therein are not being complied with, the zoning committee, after a public hearing as provided in subs. (2)(f) and (g), may revoke the conditional use permit. Appeals from the action of the zoning committee may be as provided in sub. (2)(j).

If the matter is found to be violating the conditions of approval and is going beyond the standards of obtaining a conditional use permit, the Zoning and Land Regulation Committee should make a motion to hold public hearing on the formal revocation of the conditional use permit. Staff would suggest that the public hearing be set for the March 28, 2017 ZLR meeting.

LIMITED LETTER OF INTENT
FOR
CONDITIONAL USE PERMIT
LIMITED FAMILY BUSINESS

BUSINESS PLAN

1) Hours of operation

The limited family business normal hours of operation are expected to be Monday – Friday 5:00 to 9:00 pm, Sat and Sunday 9am to 9pm. 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 a 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.

2) Vehicle storage

Vehicles that are to be repaired would use the southwest side of the building for drop-off and pick up limit of two (2) centered and marked area to reduce congestion. When possible and preferred, vehicles would be stored inside not to exceed seven (7) total, excluding my personal vehicle. Vehicles would also look in running order for appearance. This not intended for long term storage.

3) Lighting

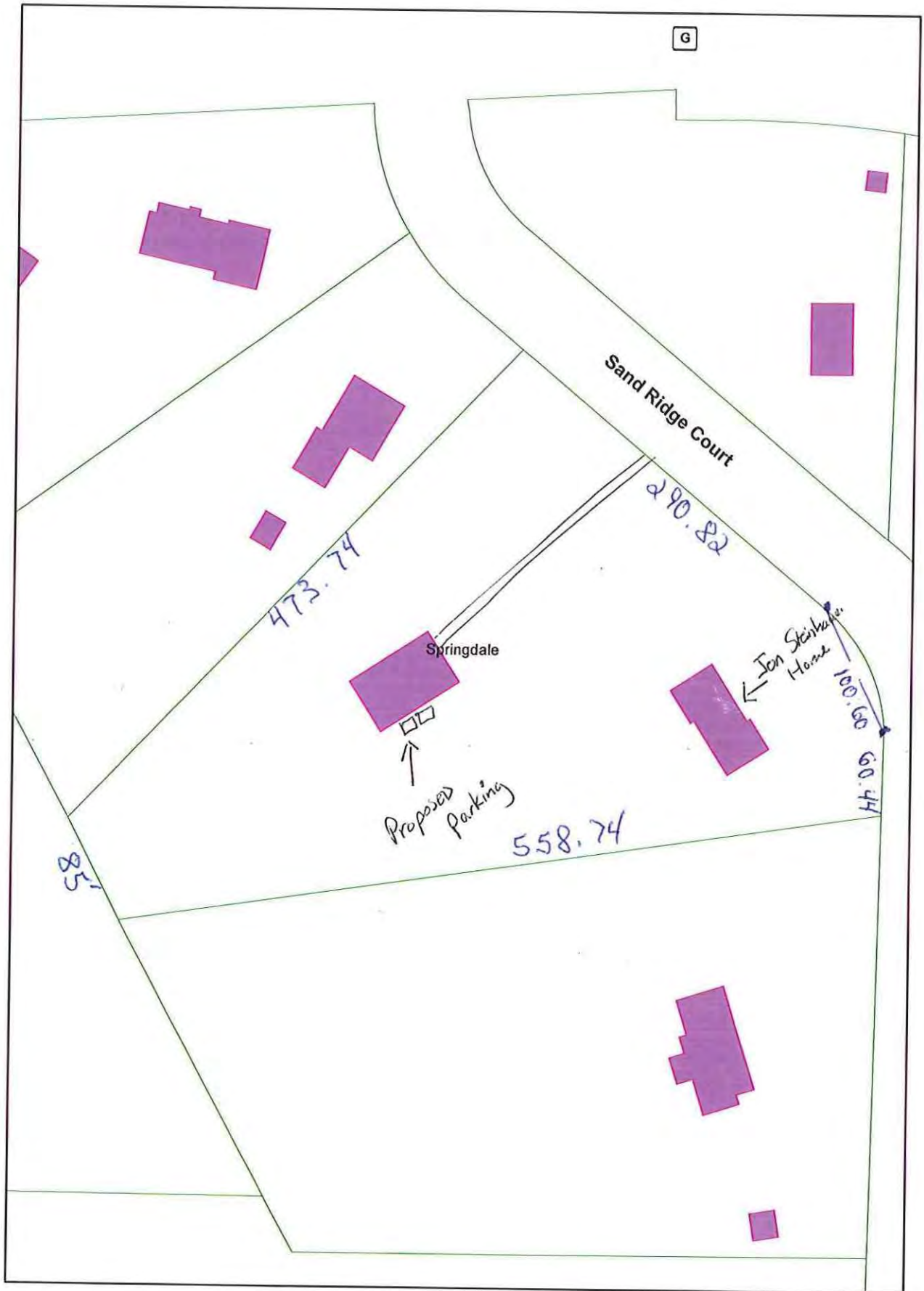
No outside lighting is being used at current, but would like in future to add one light on southwest side of building facing down for safety in the center of building.

4) Appearance

Since this is my home, appearance will be very important keeping the area as clean as possible and looking eye worthy, respecting neighbor privacy.

Jon STEINHAWER

PARCEL # 0607-341-8701-8



2015 Aerial photo



2014 Aerial photo



2013 Aerial photo



2010 Aerial photo



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(l)(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

SCORE 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 be 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.