



Dane County Zoning Division

City-County Building
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DANE COUNTY CONDITIONAL USE PERMIT #2570

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANTS Conditional Use Permit #2570 for a salvage yard conditioned upon Dane County Code of Ordinances Section 10.101(7)(d) and subject to the additional conditions listed below:

EFFECTIVE DATE OF PERMIT: November 29, 2022

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

LOCATION: 4301 Acker Rd, Town of Burke, Parcel number 0810-084-9440-3

LEGAL DESCRIPTION:

The East 124.5 feet of Lot 3, Certified Survey Map 816, recorded in Vol. 4 of Certified Survey Maps, page 31, as #1325421, in the Town of Burke, Dane County, Wisconsin. ALSO described as: Part of Lot 3, Certified Survey Map 816, recorded in Vol. 4 of Certified Survey Maps, page 31, as #1325421, in the Town of Burke, Dane County, Wisconsin, described as Section 8, Town 8 North, Range 10 East, part of the Southwest 1/4 of the Southeast 1/4 commencing at Section Southeast corner; thence North 855.82 feet; thence North 86° West, 1312.16 feet; thence South 361.88 feet; thence North 86° West, 190 feet to point of beginning; thence continuing North 86° West, 124.5 feet; thence North 329.36 feet; thence South 86° East, 124.5 feet; thence South 329.17 feet to point of beginning.

CONDITIONS:

1. Any conditions required for specific uses listed under s. 10.103, specifically, 10.103(17).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan. This condition includes applicable requirements listed in the town of Burke conditions (see conditions 14-35).
3. 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.
4. 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.

5. 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.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. 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.
10. 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.
11. 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.
12. 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.
13. 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. TOWN CONDITIONS:
14. This conditional use is strictly for Zachary Brumm, doing business as ZB Salvage & Recycling located at 4301 Acker Road in the Town of Burke.
15. Owner must provide sanitary facilities such as well and septic.
16. Hours of operation shall be limited as follows: a. 8:00 a.m. to 5:00 p.m., Monday through Friday b. 8:00 a.m. to 12:00 p.m., Saturday.
17. No outdoor operations of any kind shall take place on Sundays or legal holidays.
18. Property must be screened with privacy fencing per photo provided in application such as corrugated steel panels. The fence shall be painted in a consistent color. Front fence will be 6 feet in height and 8 feet on the sides with no fence in back where the 8-foot berm already exists.
19. Dismantling of vehicles shall take place inside the building.
20. All business vehicles and machinery shall be kept in running condition and in good maintenance.
21. Driveway improvements must be permitted by the Town and must be with stormwater runoff in mind. Neighbor properties must not be negatively impacted. There shall be an asphalt apron, size and placement approved by the Town engineer, to mitigate mud and gravel to travel out onto Acker Road.
22. Property must contain lighting.
23. Outdoor signage must meet Dane County zoning requirements.
24. Owner shall meet DNR standards for indoor and outdoor storage of salvaged vehicles.

25. An on-site hazardous material spill containment kit large enough to capture a complete spillage is required.
26. Outdoor storage of salvage materials, merchandise, vehicles, and equipment shall be done in an orderly manner.
27. The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.
28. All hazardous materials or liquids must be stored properly.
29. Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
30. The applicant shall apply for and receive all other required local, state, and federal permits.
31. The conditional use permit shall be for a Type 1 License Salvage Yard only.
32. The Conditional Use Permit (CUP) shall expire upon sale of property.
33. There will be no car crushing at this location.
34. There will be no vehicle storage (stacking) higher than fence height in front.
35. Screening of current trees or replacement with arborvitae in front of fence between Acker Rd and fence is required.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed 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 will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220.

EXPIRATION OF PERMIT

Upon the allowed land use's cessation or abandonment for a period of one year, this conditional use permit will be deemed to have been terminated and any future use shall be in conformity with the ordinance.