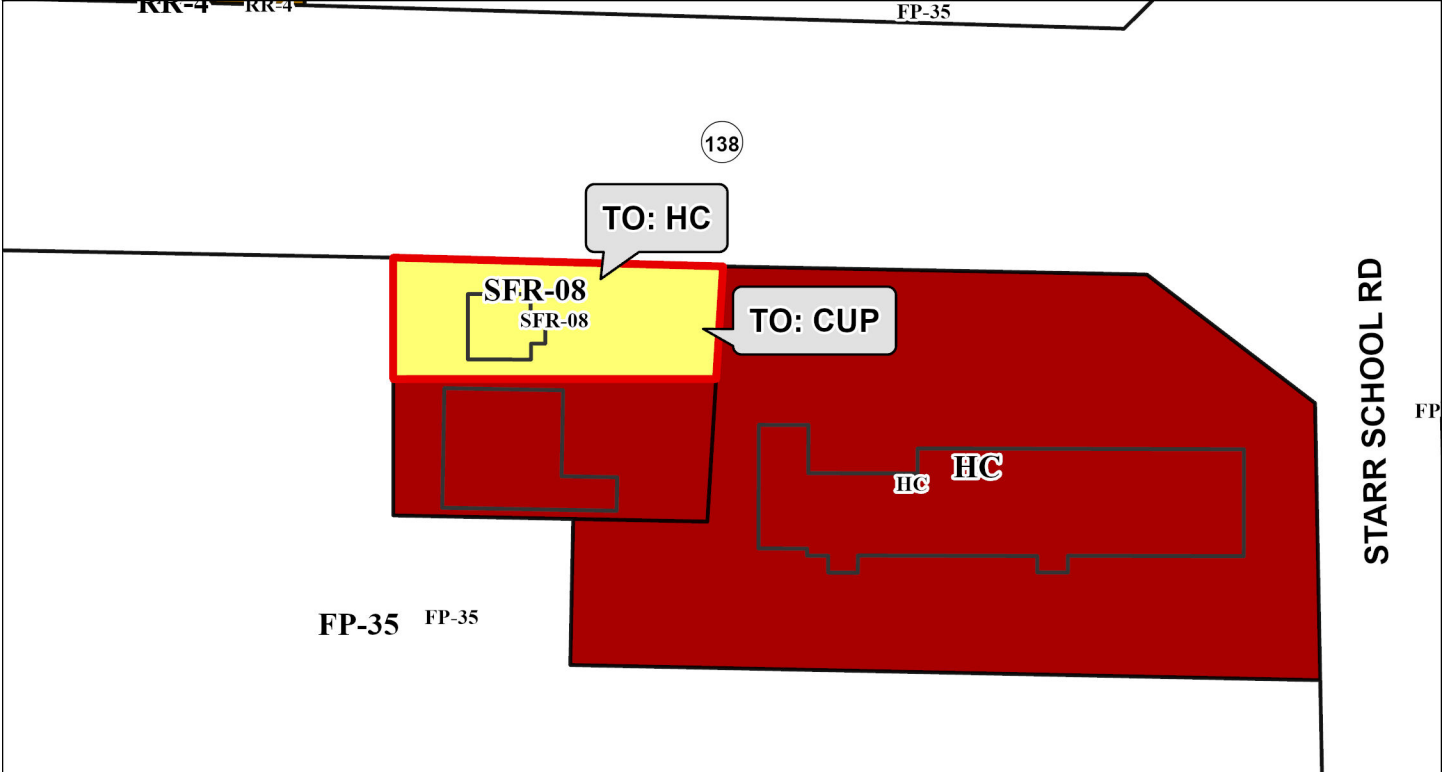


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> December 16, 2025		Conditional Use 02687
	<u>Zoning Amendment Requested:</u> TO CUP: Caretaker's Residence		<u>Town, Section:</u> RUTLAND, Section 11
	<u>Size:</u> 0.5 Acres	<u>Survey Required:</u>	<u>Applicant:</u> JOHN OLSON
	<u>Reason for the request:</u> Caretaker's Residence		<u>Address:</u> 3447 STATE HWY 138



DESCRIPTION: John Olson requests a conditional use permit (CUP) to establish his existing home as a “caretaker residence” under the HC Heavy Commercial zoning district. This CUP is associated with Rezone petition #12230, which is expanding the commercial zoning to the entire property to consolidate it under a single zoning district, because it currently has split zoning stemming from a commercial rezone in the 1980s.

OBSERVATIONS/ FACTUAL INFORMATION: The property is in a mix of residential and commercial use and is a half-acre in size. The property contains his residence, and a car repair business that has existed on site for many years. The property currently has a mix of SFR-08 and HC zoning, as a result of a rezone petition from the 1980s that established a commercial spot zone on a portion of the property. In 2019 when the zoning ordinance and maps were updated, the bulk of the property was zoned HC to reflect the extent of the existing business operation. The business also operates on the adjacent parcel (051011180009), which also contains a house and vehicle repair garage. A caretaker’s residence is listed as an allowable conditional use in the HC zoning district.

The neighboring land uses are agricultural on most sides, with several Rural Residential zoned lots to the north across Highway 138, and approximately six residences within 500 feet of the property. The property is located in a rural area roughly a half-mile from the City of Stoughton’s western boundary.

RESOURCE PROTECTION: There are no resource protection corridors on or within 300 feet of the property.

COMPREHENSIVE PLAN: The property is located in the town’s agricultural preservation area. The proposed conditional use permit would ensure compliance for the longstanding residential use of the existing home on the property. The proposal is reasonably consistent with comprehensive plan policies and staff recommends approval.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

CONDITIONAL USE PERMIT DECISION MAKING: “Conditional uses” are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant’s testimony with regards to meeting the standards.

- 1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.***

The CUP application describes the proposed operations plan. The applicant states that he will be living in the house and has lived in it since 1977.

- 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.***

The applicant states that nothing will change from the current land 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.***

The applicant states that there will be no change in ownership or use. This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. The surrounding lands are agricultural and rural residential in nature and zoning.

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

The applicant states there will be no change. The utilities, access roads, drainage, and other improvements needed for the proposed use are already in place.

- 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.***

Vehicle access and off street parking is provided in the existing driveway. The applicant states that there will be no change. The rezoning petition submitted along with this CUP would place the entire lot in HC zoning district, and enable the construction of a one-car residential garage for the owners’ personal use.

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

The proposed caretaker residence use conforms to the applicable regulations of the HC zoning district. It is an existing use, and is an allowable conditional use in the HC district.

While the proposed conditional use meets ordinance requirements, staff has some concerns about the property’s overall compliance with zoning requirements. The shed and outdoor storage located south of the existing garage appears to be overflow from the vehicle repair business, which operates on both lots owned by the applicant. The other larger lot is jointly owned by John Olson and his brother. Considering that the business has been able to operate and grow with considerable latitude over the years, staff would suggest that the Olsons address the encroachment so that all commercial activities are contained on the property.

- 7. That the conditional use is consistent with the adopted town and county comprehensive plans.***

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: Unlike commercial land uses, a caretaker's residence does not typically have nuisances associated with it. The applicant's CUP application addresses the residence's compatibility with surrounding land uses.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are no special requirements for caretaker residences.

TOWN ACTION: On December 3rd, the Town Board recommended approval of the CUP with no conditions.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information summarized above, and is also reflected in the town's approval. If approved, this CUP can only become effective if Rezone petition #12230 first becomes effective. Staff has noted a concern with a small storage building and outdoor storage along the southern lot boundary, which appear to encroach on the adjacent property. We recommend this issue be resolved prior to the HC zoning expansion going into effect. If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above, and (2) we recommend approval with the conditions listed below. The conditions below reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs, and the town approved conditions.

CUP 2687 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (none).
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.
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 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.
12. 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.

Conditions specific to CUP # 2687:

13. This CUP is only effective upon Rezone Petition #12230 becoming effective.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.