

<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p>	<i>Public Hearing:</i> October 24, 2023		Conditional Use 02608	
	<i>Zoning Amendment Requested:</i> TO CUP: Allow an accessory building to be up to 16 feet tall			<i>Town/Section:</i> PLEASANT SPRINGS, Section 19
	<i>Size:</i> 0.8 Acres	<i>Survey Required:</i> NO		<i>Applicant</i> Clutson/Ziebol
	<i>Reason for the request:</i> Reconstruction of an existing garage			<i>Address:</i> 2229 Williams Point Drive



DESCRIPTION: The owner would like to reconstruct an existing garage on the property. They would like to increase the mean height of the building to 16 feet to allow for a storage area on the second floor.

OBSERVATIONS: The property contains an existing residence along with an accessory building. Historic orthophotography shows the existing accessory has been there since the 1950's. Under the zoning ordinance, waterfront properties are allowed to have accessory buildings in the front yard with reduced side yard setbacks as other lots are allowed with accessory buildings in the rear yard (4-foot setback). The property is located just south of the Lake Kegonsa State Park and is served by public sewer.

RESOURCE PROTECTION: The property is subject to Shoreland regulations given that it is located on the shores of Lake Kegonsa. The reconstruction of the existing accessory building will not increase the impervious surface on the property. The building is outside the floodplain and wetland areas.

COMPREHENSIVE PLAN: The property is located in the Lake Kegonsa & Lower Yahara River Residential Area. The planning area limits development to a scale and density that will not lead to deterioration of lake and river water quality, and that is consistent with the character of the adjoining neighborhood. It appears that the proposed development meets the planning area's policies.

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 issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. The sections above include facts about the property and its surrounding context. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of relevant facts including the applicants’ testimony with regards to meeting the standards. These sections, as well as the applicants’ materials, are intended to provide findings of fact that the Committee can use as a basis for making a decision on the proposed CUP.

CUP Standards and Relevant Facts

- 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 proposal is to reconstruct an existing garage on the property. The proposal does not affect views of the lake from neighboring properties.

- 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 reconstruction of the existing residence will improve the aesthetics of the building.

- 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 property is located in a residential development area. The 2-car garage is part of the existing development of the property.

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

There is an existing driveway and utilities to the structure.

- 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.**

There is an existing driveway that provides access to the property and the building.

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

The SFR-08 Zoning District allows for accessory buildings to be constructed on the property. There is an existing principal use (residence).

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

The property is located in the Kegonsa & Yahara River Residential Development Area. The accessory building will be used for residential purposes.

- 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: The potential nuisances that typically pertain to accessory buildings is the obstruction of views for neighboring property owners. The proposed building does not appear to obstruct views of Lake Kegonsa.

TOWN ACTION: The Town Board approved the CUP with no conditions.

STAFF RECOMMENDATION: Staff recommends approval pending comments at the Public Hearing. If the proposal is found to meet the 8 standards of obtaining a CUP, Staff suggest the following conditions:

Possible CUP Conditions:

Standard Conditions for all Conditional Use Permits

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
2. 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.
3. 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.
4. 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.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking must be provided, consistent with s. 10.102(8).
8. 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.
9. 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.
10. 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.
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. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation. 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.

Conditions unique to CUP 2608

13. The second floor of the accessory building shall not be used for habitable purposes.

Any questions about this petition or staff report please contact Roger Lane at (608) 266-9078 or email at lane.roger@countyofdane.com.