

Staff Report



Zoning & Land Regulation Committee

Public Hearing: **May 5, 2026**

Zoning Amendment Requested:

TO CUP: Transient or tourist lodging (short-term rental)

Size: **0.5 Acres**

Survey Required:

Reason for the request:

Transient or tourist lodging (short-term rental)

Conditional Use

02701

Town, Section:

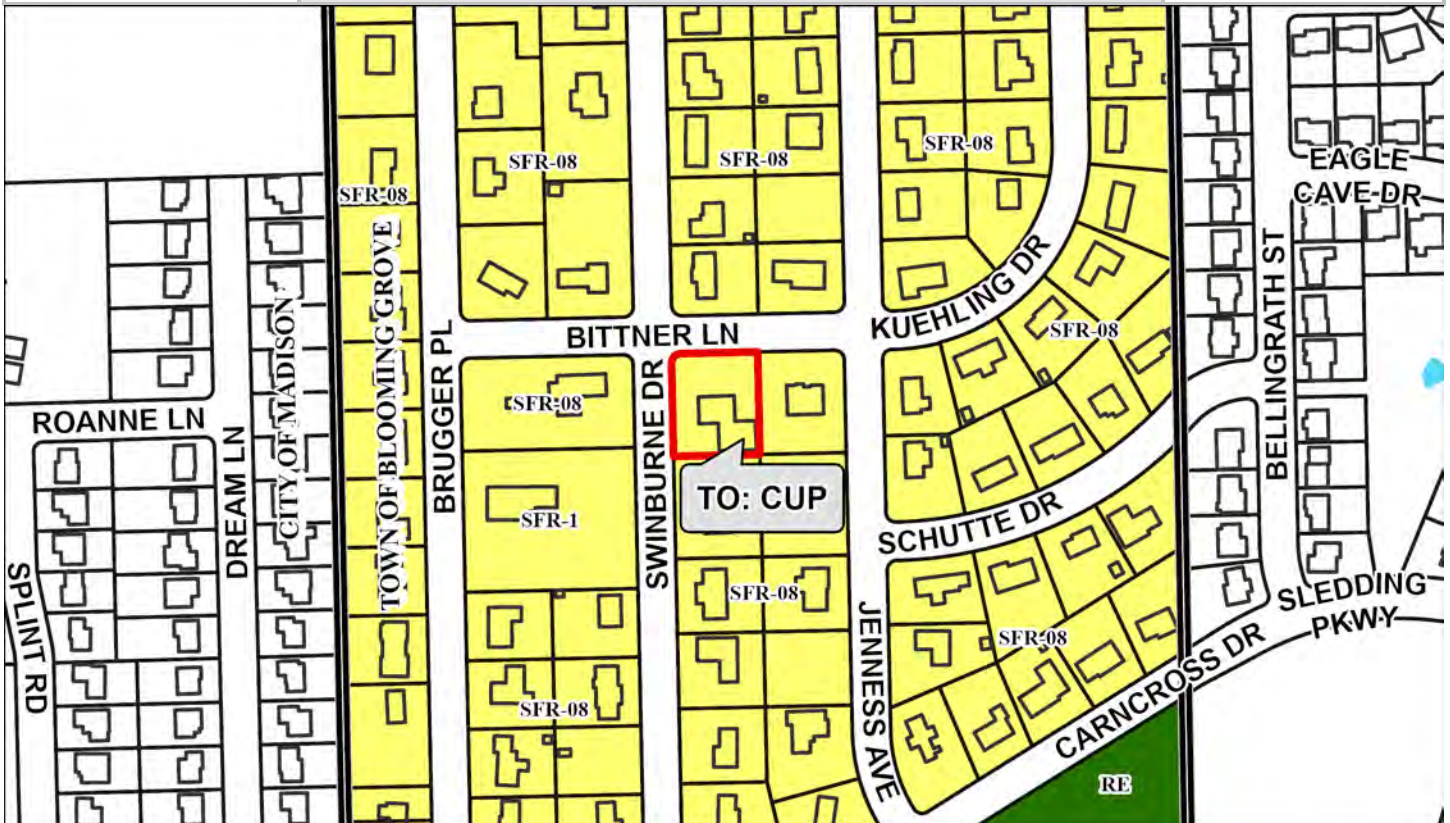
BLOOMING GROVE, Section 35

Applicant:

KEVIN AND GLORIA BILLINGS

Address:

3364 SWINBURNE DR



DESCRIPTION: Kevin and Gloria Billings request a conditional use permit (CUP) for Transient and Tourist Lodging (aka short-term rental) of their existing home on Swinburne Drive.

OBSERVATIONS / FACTUAL INFORMATION: The property is in single-family residential use, and 1/2 acre in size. The lot is located in the April Hill neighborhood, a subdivision developed in the 1960s. The neighboring land uses are residential on all sides, with Single Family Residential zoning. The Billings propose a maximum of 6 guests, and do not specify a maximum or minimum rental period.

To operate lawfully, the applicant will need to obtain and maintain a rental license with the Public Health Department. If approved, the property would continue to be used for residential purposes within a residential neighborhood, subject to the licensing requirements and state allowances for short term rentals. The Town of Blooming Grove does not have a licensing ordinance for short-term rentals.

RESOURCE PROTECTION: There are no sensitive environmental resources within 300 feet of the subject property; no development is proposed and no impacts are anticipated.

COMPREHENSIVE PLAN: This petition is in the town’s Neighborhood Residential planning area and is subject to the land use policies related to that designation. There are no specific policies that address this particular type of request. Due to the proximity of nearby residences, conditions may be warranted that address noise, quiet hours, number of guests, and sharing of the CUP holder’s contact information with neighbors to more quickly resolve issues.

For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or Kollenbroich.Benjamin@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 rental operations plan and house rules. The applicants state they will manage the property themselves, and will be nearby 24/7 to address any concerns, and will provide their phone numbers to immediate neighbors to contact them should any concerns arise.

All short term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health. The applicant will need to obtain a PHMDC license.

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 the home will be maintained and monitored closely. There is no planned construction, and no proposed signage or outdoor storage. They indicate no parties will be allowed, and quiet hours will be set from 10pm to 7am.

If the town or neighbors have concerns with noise (the most common concern that arises with short-term rentals), permit conditions to limit the number of guests and set quiet hours are typically used to address this.

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.*

Applicants state that no changes will be made to the property. They will be available should any concerns arise.

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*. This lot and the surrounding properties are already developed as single-family residential lots. The proposal is not expected to impede the development of that land.

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

The utilities, access roads, drainage, and other improvements needed for the proposed use are comparable to those necessary for a single-family house that is not used for short-term rentals. The property is served by a private well and septic system. However, the septic system must be verified as adequate to serve the proposed use by up to 6 guests. This area is not within the urban service area; the neighborhood was built as a “rural” subdivision on septic. Public Health does not have current records on the septic system, so this must be verified by the applicants. PHMDC would review the well and septic as part of an application for the rental license.

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.*

Off street parking is provided for 8 vehicles by an existing driveway. No changes are proposed. The applicant anticipates no changes in traffic due to the conditional use.

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

The proposed use conforms to the applicable regulations of the SFR-08 zoning district. Transient or tourist lodging is listed as an allowable conditional use in the zoning district. Applicants state all local rules and regulations will be adhered to.

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: The potential nuisances that pertain to short-term rentals typically involve noise, vehicle traffic, and sanitary waste management. The CUP application addresses how these potential nuisances are handled as noted above. In addition, potential conditions of approval specific to this CUP can be developed after public input and deliberation by town and the ZLR Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for short-term rental operations.

TOWN ACTION: Town Board recommends approval, with no conditions specified.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. Following the public hearing, we have received confirmation from Madison Dane County Public Health staff find that the existing septic system on the property is adequate to serve the proposed use. Staff's findings are summarized above, as is the town's recommendation to approve.

Staff recommends that the ZLR Committee makes a finding of fact as to whether the proposal meets the 8 CUP standards. If the Committee requires additional information on which to base a decision, they could request more information. **Staff recommends approval with the conditions listed below.**

CUP 2701 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 this CUP:

13. The applicant shall comply with all licensing and permitting requirements for short-term rentals.
14. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.
15. The rental shall be limited to 6 overnight guests.

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