
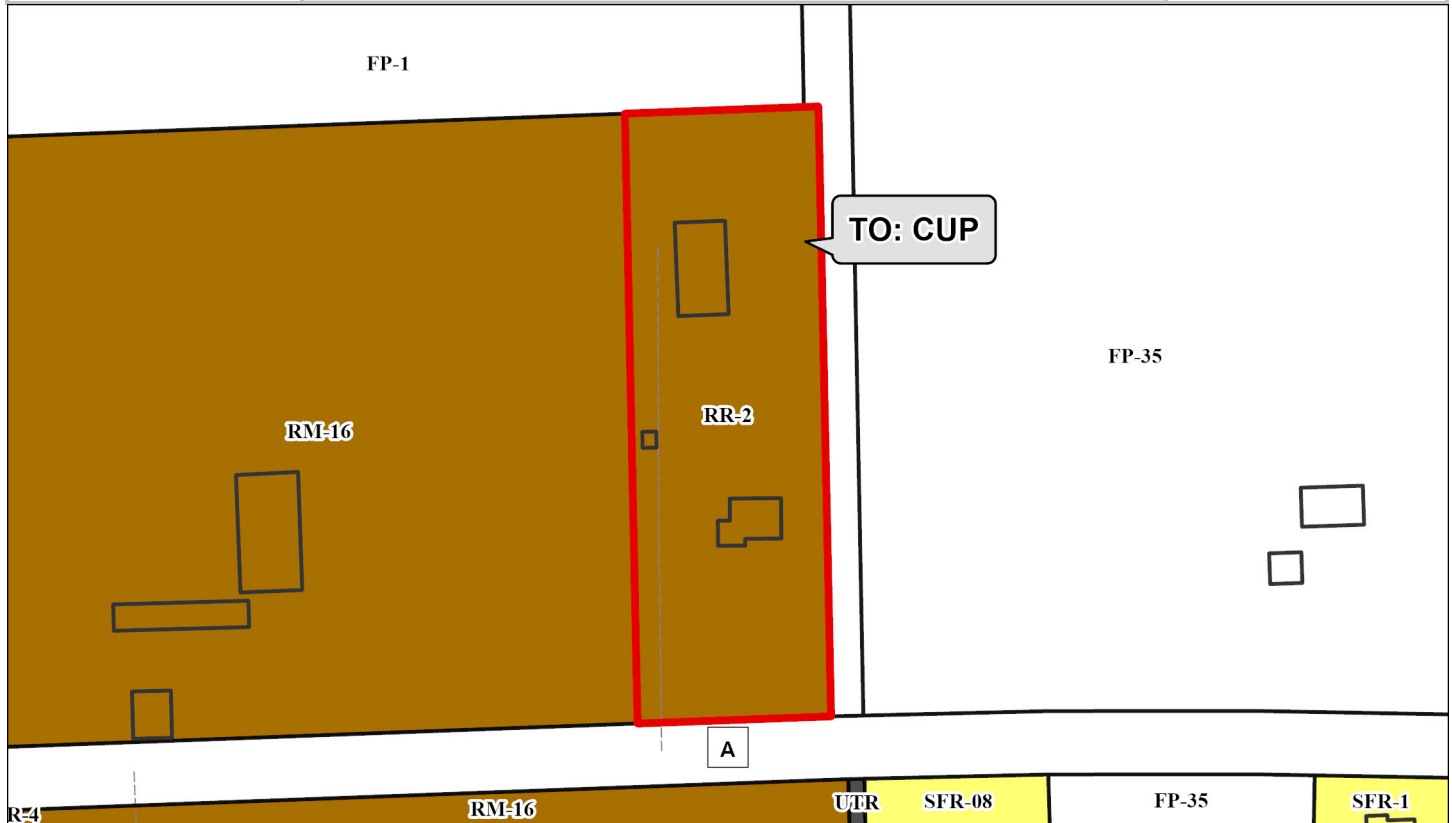


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> June 24, 2025		Conditional Use 02663
	<u>Zoning Amendment Requested:</u> TO CUP: Limited Family Business - concrete contractor		<u>Town, Section:</u> RUTLAND, Section 15
	<u>Size:</u> 2.9 Acres	<u>Survey Required:</u>	<u>Applicant:</u> TIMOTHY AND JORI WOODSTOCK
	<u>Reason for the request:</u> Limited Family Business - concrete contractor		<u>Address:</u> 3930 COUNTY HIGHWAY A



DESCRIPTION: Applicants request a conditional use permit (CUP) for a limited family business, to obtain zoning compliance for a concrete construction business. The business has operated on site since 2004, consisting of material and equipment storage within a 50x100' shed building, and parking of company vehicles in the back yard around the shed building. Employees pick up and return work trucks to the site. No changes are proposed to the site.

OBSERVATIONS: The property is 2.9 acres in size and is in residential use with RR-2 Rural Residential zoning. The Woodstocks have been operating portions of their concrete business from the property for many years, and the Zoning Division has not received any complaints during that time.

The neighboring land uses are agricultural on all sides (including lands owned by applicants to the east and west). There are two homes within 500 feet of the property. A limited family business is listed as an allowable conditional use in the RR-2 zoning district, if certain criteria are met.

RESOURCE PROTECTION: The property is partially within the shoreland zone in the north end. No new development is proposed with this petition. However, any land development that results in 20,000 square feet or more of impervious surface since 2001 requires a stormwater management permit. The stormwater process requires engineering plans and can take several months to complete. Applicants are advised to contact Elliott Mergen at [Water Resource Engineering](#) at (608) 224-3730.

COMPREHENSIVE PLAN: The property is located in an agricultural preservation area. Comprehensive plan policies for this area allow limited family businesses, “...if compatible with neighboring uses and the rural character of the town.” As indicated above, the concrete business has been operating years and the applicants reside on the property and own the adjacent lands on either side. Given the scale and nature of the use, and applicable limitations under section [10.103\(12\)](#), the requested conditional use appears reasonably compatible with town/county comprehensive plan policies. 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 operations plan. The applicant states that they do not dump, dig, or carry or store hazardous materials on site. Trucks will be maintained and loaded during daylight hours, and there is minimal traffic. The letter provided as part of the application indicates that only a few employees come to the shop to pick up trucks, otherwise the business is done off site.

Staff acknowledges there can be confusion when taking enforcement action on a longstanding business operation that is well known within the town. At the same time, zoning enforcement must be as consistently applied as possible. Obtaining a CUP is one way to resolve this violation, and in such a way that it does not allow or guarantee that this property will be the site of a commercial operation if/when the property changes hands.

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 shop is used for storing and maintaining equipment, and nothing is visible to neighbors. Trees have been planted to hide the back of the shop, and the applicants own the agricultural properties to the east, west, and north of the site. They state their property is well maintained, there are no signs, and the shed is at least 500 feet from the closest neighbor. Trucks are maintained and loaded during daylight hours with minimal traffic, and no customers.

As noted above, the business operation has gone unnoticed for many years and has not generated any complaints to the zoning division. Staff confirms there is one residence within 500 feet.

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.*

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 applicant states that less than 1.5 acres is used for this business and the applicants own 60 acres of ag land around the site. This property and most of the surrounding properties are in agricultural use, with five homes within 1,000 feet of the site which are under residential or rural mixed-use zoning.

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

The applicant states that no improvements are needed, there will be minimal traffic, and the site is served by an existing concrete driveway onto County Highway A. The utilities, access roads, drainage, and other improvements needed for the proposed use are already in place. However, the applicants need to obtain a change of use access permit from Dane County Highway (contact Kevin Eslick, 608-283-1486).

In addition, Land and Water Resources staff commented that the property has added over 20,000 square feet of impervious area since 2001, requiring a stormwater management permit. The applicants are advised to work with [Dane County Water Resource Engineering Division](#) by contacting Elliott Mergen at (608) 224-3730.

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 adequately provided for the property by an existing concrete driveway that is at least 400 feet long, and a parking area in the back yard around the accessory storage building.

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 RR-2 zoning district. A limited family business is an allowable conditional use in RR districts, provided the business meets the requirements for limited family businesses in the Chapter 10 zoning ordinance. The applicants state their business operation will meet these requirements. Zoning staff's interpretation is that the land use meets the definition of "limited family business" if employees only visit site intermittently and all of the concrete work is done off-site.

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

As noted above, the proposal appears reasonably 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 limited family business operations most likely involve noise, traffic, and storage of vehicles/equipment/materials. The applicant's CUP application addresses how these potential nuisances are handled, as noted above.

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(12), there are other special requirements for limited family business operations:

- a) *A conditional use permit for 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 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. No limited family or rural business shall conflict with the purposes of the zoning district in which it is located.*
- b) *The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.*
- c) *Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business.*
- d) *The conditional use permit holder may be restricted to a service oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.*
- e) *The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.*
- f) *Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings. The design and size of the structures is subject to conditions set forth in the conditional use permit.*
- g) *Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.*
- h) *The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.*

TOWN ACTION: On June 4th, the Town Board recommended approval of the CUP noting that (1) CUP 2663 expires upon sale of the property and (2) existing screening will be lengthened.

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 outlined above, and is also reflected in the town's approval and conditions.

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.

CUP 2663 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 (see below).
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 # 2663:

13. Existing site screening/landscaping shall be lengthened to the satisfaction of the Town of Rutland.
14. Sanitary fixtures in the accessory buildings are prohibited.
15. This permit shall automatically expire on sale of the property or the business to an unrelated third party.

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