
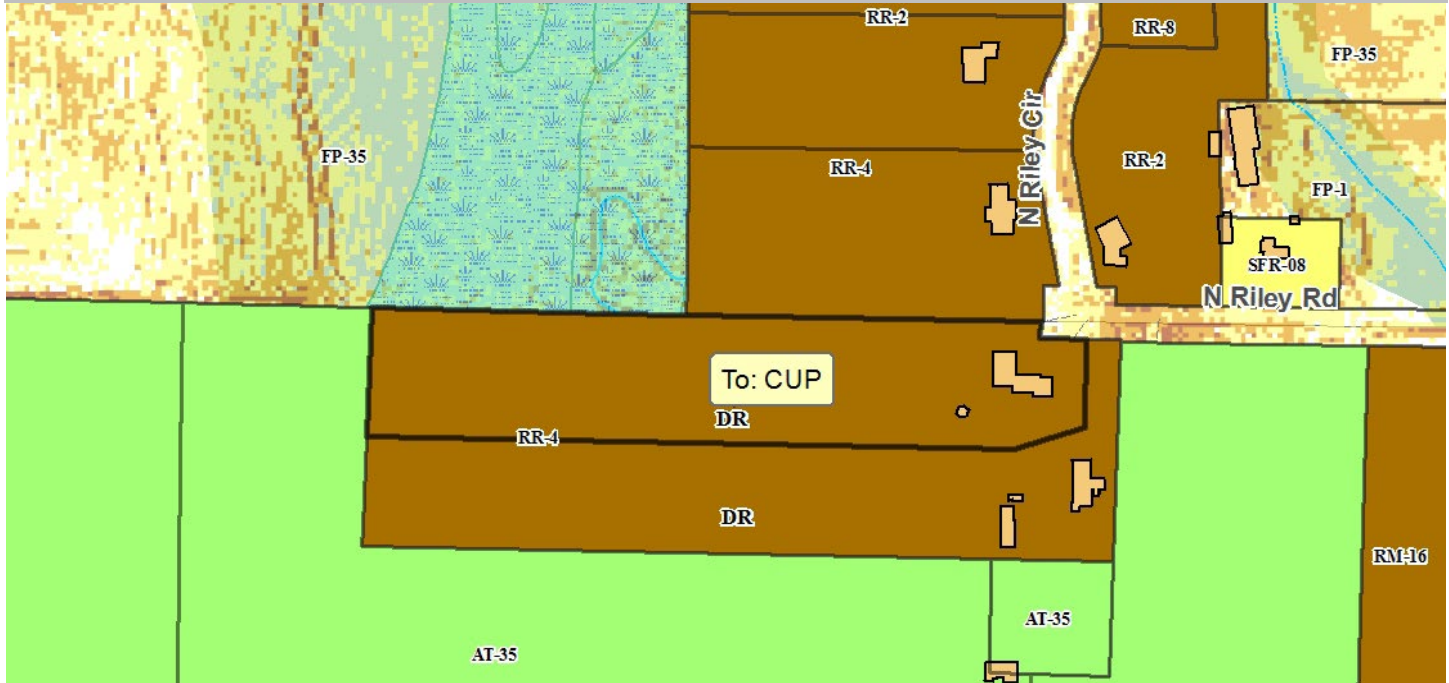


Staff Report  Zoning and Land Regulation Committee	Public Hearing: April 27, 2021		CUP 02516
	Zoning Amendment Requested: TO CUP: ACCESSORY DWELLING UNIT-ATTACHED		Town/Section: SPRINGDALE, Section 2
	Size: 7.71 Acres	Survey Required. <i>No.</i>	Applicant CAROLYN J BRADT
	Reason for the request: ACCESSORY DWELLING UNIT-ATTACHED		Address: 8283 N. RILEY ROAD



DESCRIPTION: The landowner seeks to convert an existing office, attached to the principal residence, to a living space for rental.

OBSERVATIONS/ FACTUAL INFORMATION: Such uses are allowed by conditional use permit as an “attached accessory dwelling unit” in the RR-4 zoning district.

TOWN PLAN: The *Town of Springdale / Dane County Comprehensive Plan* does not specifically address Accessory Dwelling Units. Neither does the town/county plan specify policies for “dependency living arrangements,” a similar land use described under the old county zoning ordinance. The plan does include more general policies to “enable landowners to develop land for residential uses with minimal impact on the rural aspects of the town,” and “encourage safe, convenient and environmentally sound housing that blends with the natural landscape.”

RESOURCE PROTECTION: The Sugar River, with associated wetlands and floodplain, flows through the western portion of the existing lot. A portion of a small, half-acre pond, with its own floodplain, sits on the southern property line. The existing building location is approximately 600 feet from the pond and the river floodplain. No new construction is proposed and no impacts anticipated.

STAFF UPDATE: At the April 27th public hearing, the Committee postponed action due to no town action and public opposition. Neighbors expressed concerns regarding increased activity on the property, past zoning violations, traffic, unpaid taxes, and liability issues with the shared pond.

The town has since taken action and approved the CUP with 21 conditions (see below). Some of those conditions appear designed to limit the potential for issues identified by neighbors.

Staff recommends approval of the CUP with the town conditions:

- (1) No more than one attached accessory dwelling unit may be created.
- (2) The attached accessory dwelling unit shall not exceed 800 square feet of occupiable floor area and shall not have more than two bedrooms.
- (3) The occupancy limit for the ADU shall be 2 people.
- (4) Rental term must exceed 30 days. No short term or incidental rental allowed.
- (5) The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor from the property on which it sits.
- (6) The lot or parcel of land containing the accessory dwelling unit shall continue to be occupied by the owner of the premises. The owner may live in either the accessory dwelling unit or the principal residence.
- (7) The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings.
- (8) Accessory dwelling units must meet applicable residential building codes and sanitary codes.
- (9) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- (10) 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.
- (11) Existing onsite wastewater sewage disposal systems 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. The septic system must be certified to serve at least 7 bedrooms.
- (12) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- (13) Off-street parking must be provided, consistent with s. 10.102(8).
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) This CUP shall expire upon the sale of the property to an unrelated third party.
- (21) A review of the CUP may be requested by the Town of Springdale after a period of two years

TOWN: Approved, with conditions (see above, and attached).

Questions? Contact Majid Allan at allan@countyofdane.com