

Staff Report

**Zoning & Land
Regulation
Committee**

Public Hearing: **June 23, 2026**

Report updated for the July 14th ZLR meeting

Zoning Amendment Requested:

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

Size: **0.4 Acres**

Survey Required:

Reason for the request:

Transient or tourist lodging (short-term rental)

**Conditional Use
02707**

Town, Section:

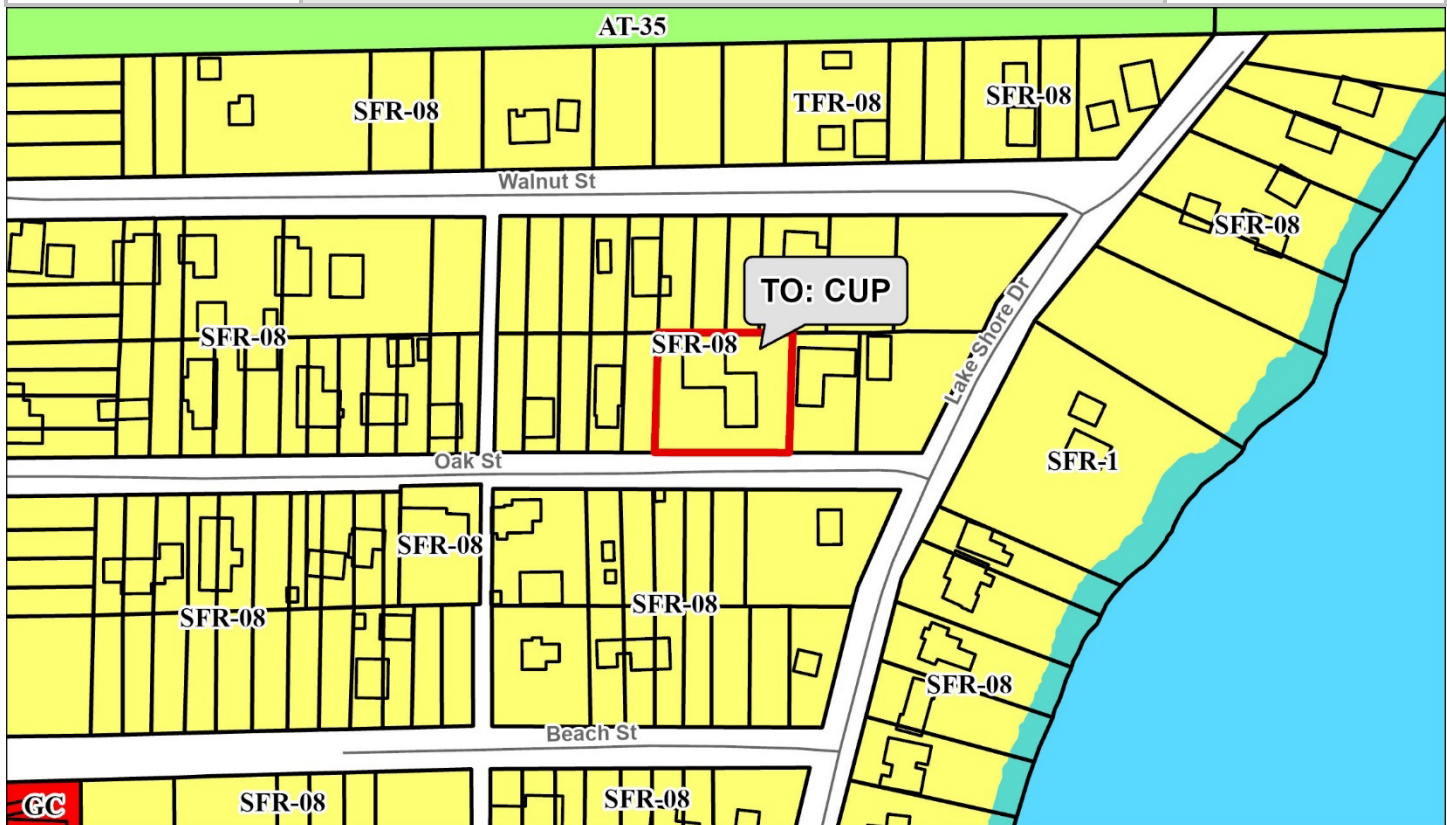
ALBION, Section 25

Applicant:

**JANE BECKER AND
BRET MILLER**

Address:

86 OAK ST



DESCRIPTION: Jane Becker and Bret Miller request a conditional use permit (CUP) for transient or tourist lodging, to enable short-term rentals in the existing home at 86 Oak St.

OBSERVATIONS/ FACTUAL INFORMATION: The property is in residential use and is a half-acre in size. The neighboring land uses are residential on all sides. The property is located in Edgerton Beach Park, a residential subdivision from the 1920s.

The property was recently consolidated into a CSM lot, and permit issued for a residential addition.

Transient or tourist lodging is listed as an allowable conditional use in the SFR-08 zoning district. State statutes limit local regulation of short-term rentals that are offered for 7-29 days. Local governments may require a permit to be obtained, and can regulate proposals that would involve rental periods shorter than 7 days. For rental periods of 7-29 days, local governments can require a permit, but may only limit rentals to no less than 180 days (either consecutive or non-consecutive) in any consecutive 365-day period. The Town of Albion has a licensing ordinance for short-term rentals.

RESOURCE PROTECTION: A small portion of the property is encumbered in the southeast corner by the regulatory floodplain; however this area does not contain any structures. The neighborhood is a low-lying area adjacent to Lake Koshkonong which has experienced significant flooding in high water years.

COMPREHENSIVE PLAN: This petition is in the town's residential and resort (a/k/a lakeshore residential neighborhood) planning area and is subject to the land use policies related to that designation. Public sanitary sewer service is provided by the Consolidated Koshkonong Sanitary District.

Town plan policies do not specifically address short term vacation rentals, though as indicated above, the town has adopted a short-term rental licensing ordinance. The ordinance prohibits the rental of any residence for a period of 2 days or fewer, and limits occupancy to no more than 2 persons per bedroom plus an additional 2 persons. The town ordinance does not limit the number of days within a 365-day period that a rental can be offered, and licenses must be renewed annually on or before June 30.

The owner indicates an intent to offer the rental throughout the year. In addition to the town license, all such 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. To operate lawfully, the applicant will need to obtain and maintain both the Albion and PHMDC licenses. If approved, the property would continue to be used for residential purposes within a residential neighborhood, subject to town ordinance licensing requirements that align with state allowances for short term rentals.

Pending any concerns raised at the ZLR public hearing, or by the Town in the course of its review, the proposal appears reasonably consistent with 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 proposed rental operations plan and house rules. The applicants state they will manage the property, will continue to live in the home, that there is no planned construction, and that there will be no outdoor signage, no outdoor storage.

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 applicants state the off-street parking is provided within the existing driveway, and rental rules stipulate that the owners will enforce respectable noise levels. The studio is designed for 1 or 2 individuals so use will not result in large parties or events.

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 the use will not result in changes to the property, as the garage and studio is already in place. Guests will not impede the normal and orderly development and improvement of the surrounding properties.

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 property and all of the surrounding properties are already developed as single-family residential lots, and no exterior changes to the property are proposed in association with the proposed conditional use. 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 the existing single-family residential use. The property is served by a limited sanitary sewer system.

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 the property by an existing driveway in a designated space. Dane County Highway estimates an increase of 10 trips per day as the result of the proposed land 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.

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 of the CUP, with no conditions requested.

ZLR PUBLIC HEARING: On June 23rd the ZLR Committee held the public hearing on the proposed conditional use. There was no opposition. The committee postponed action to allow more time for town action on the proposal.

STAFF RECOMMENDATION (updated): Since the public hearing, the Town Board has recommended approval. Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes continuing residency on the property and self-managing the rental use. This is also reflected in the town's approval (with no conditions). If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff.

Pending any comments at the public hearing, and town action, 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.

CUP 2707 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 this CUP:

Other possible / typical conditions for short-term rentals:

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 2 overnight guests.
16. The maximum rental period for the transient or tourist lodging use shall be no longer than 29 days.
17. Approval is for transient or tourist lodging. Other uses, such as an accessory dwelling unit or apartment, of the studio space will require additional approvals.
18. CUP shall expire on the sale of the property 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.