
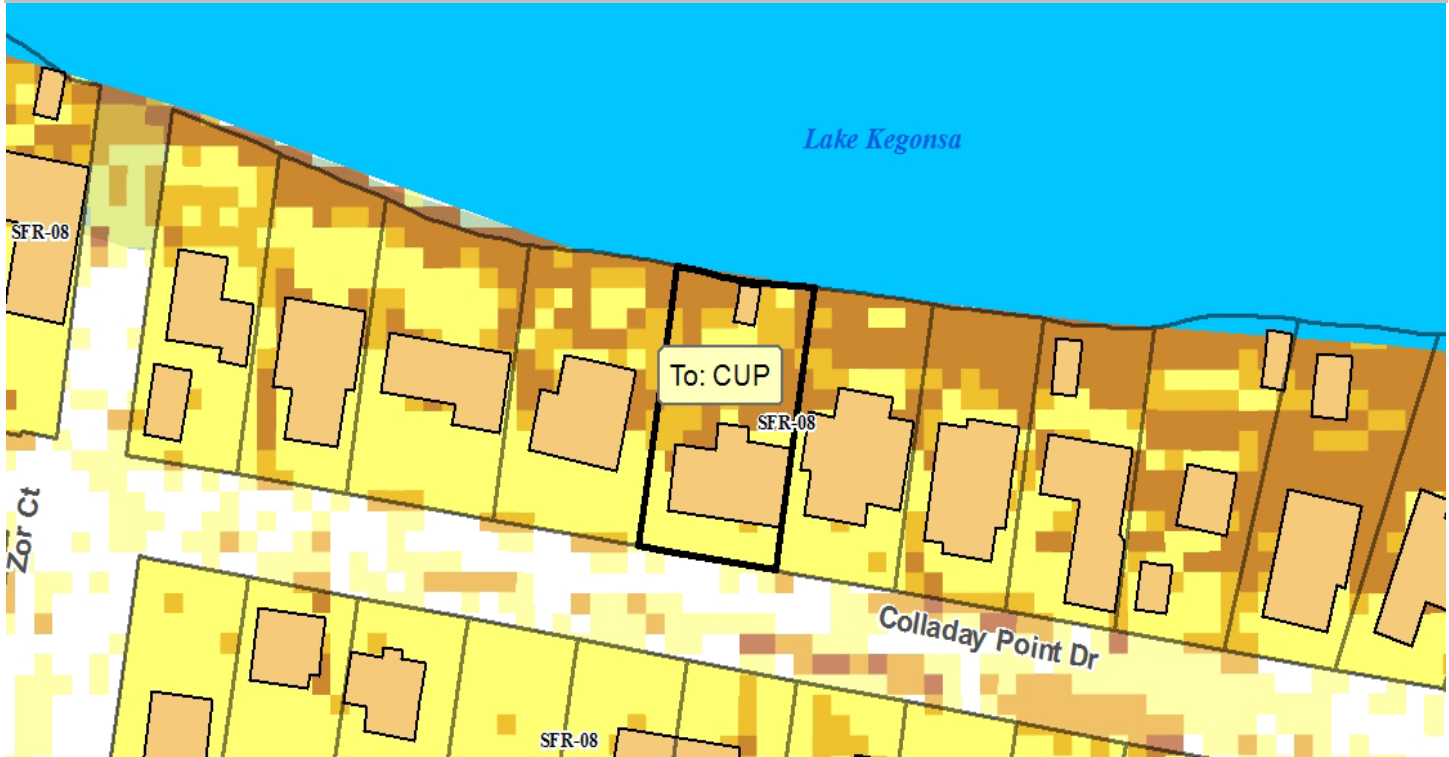


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>February 23, 2021</b>	<b>CUP 02513</b>	
	<i>Zoning Amendment Requested:</i> <b>TO CUP: Transient and Tourist Lodging</b>		
	<i>Size:</i> <b>0.2 Acres</b>	<i>Survey Required:</i>	<i>Town/Section:</i> <b>DUNN, Section 23</b>
	<i>Reason for the request:</i> <b>Transient and Tourist Lodging</b>		<i>Applicant:</i> <b>LOUISA ENZ</b>
		<i>Address:</i> <b>2206 COLLADAY POINT DR</b>	



**DESCRIPTION:** Owners are requesting approval of a Conditional Use Permit (CUP) for “transient and tourist lodging” (short term vacation rental) to resolve a zoning violation – operating the short term rental without a CUP. Proposal would be to rent the residence for periods of time from 7-29 days and up to 180 days / year. This is in accordance with allowances for short term rental that are specified in state law.

**OBSERVATIONS/ FACTUAL INFORMATION:** Existing use of the property is single family residential (“2-3 bedroom cabin” per owner’s description). Neighboring land uses are residential (Colladay’s Point subdivision). The property is served by public sanitary sewer. As noted above, this petition was submitted to address a zoning violation following a complaint received by the zoning division.

**TOWN PLAN:** The property is located in the town’s limited service area.

**RESOURCE PROTECTION:** There is an area of resource protection corridor on the property associated with 100 floodplain of Lake Kegonsa. No new development proposed that would impact the resource protection corridor.

**STAFF:** Transient or tourist lodging is listed as a conditional use in the SFR-08 zoning district. State statutes allow for the short term rental of residences for periods of 1 week or longer. Local governments may require a permit to be obtained, but may only limit rentals to no less than 180 days (either consecutive or non-consecutive) in any consecutive 365 day period. Local governments may also enact licensing ordinances. Note that 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.

The applicant indicates that their short term rental would follow state guidelines, with a minimum rental period of 1 week, and up to 180 days total, annually. Owner indicates that off-street parking is provided for tenants and a 10pm curfew is required of guests.

One of the county zoning ordinance standards for approval of a conditional use permit is that the use must be found to be consistent with the adopted town and county comprehensive plans. The [town of Dunn comprehensive plan](#) identifies conditional uses in each of the zoning districts that the town believes could be deemed reasonably consistent with the plan based upon the nature of the uses and well-known or anticipated impacts.

Transient or tourist lodging is *not* among the conditional uses listed in the SFR-08 district that would be reasonably consistent with the town comprehensive plan's goals, objectives, and policies (the use is listed, however, in many of the other larger lot residential zoning categories).

As noted above, state law allows for short term rental of residences for periods of one week or longer. Despite the fact that the proposal may not be consistent with the town's comprehensive plan, if the short term rental is operated as presented, the applicant's proposal would fall within state allowances.

One possibility to remedy the disconnect between the county zoning ordinance, town plan, and applicable state law would be to place conditions of approval on the permit that reflect another related use that's permitted by right in the SFR-08 district: "incidental room rental".

#### 2.12 Requirements for Conditional Use Permit Requests

The Town will review conditional uses in each district to determine if all provisions of the Land Use Plan and the Future Land Use Map are addressed and met including, but not limited to consideration of the following factors:

- a. Consistency with the Town Comprehensive Plan
- b. Whether the use is complementary with adjoining properties.
- c. Compatibility with existing or permitted use on adjacent lands.
- d. Impacts of noise, dust, lights, odor, contamination, parking, traffic, and other changes related to the use on public safety and rural character of the Town
- e. The productivity of the lands involved.
- f. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- g. The need for public services created by the proposed use.
- h. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- i. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

*Town of Dunn CUP requirements*

- (73) Incidental room rental.  
Rental or leasing of rooms within a single-family residence, provided all of the following are met:
- (a) All rooms offered for rent are within, and share a main building entrance with, the landowner's primary residence
  - (b) No more than two bedrooms are offered for rent
  - (c) One off-street parking space is provided for each rental room.

*Incidental room rental definition.*

Incidental room rental allows for rental or leasing of up to two bedrooms in a single-family residence, provided the rooms share a main building entrance and at least one off-street parking space if provided for each room.

Staff's understanding is that the property owner has not yet submitted an application to the town of Dunn and that the earliest the town could consider any application at this point is March 8<sup>th</sup>. Staff has also received a number of calls from neighboring residents expressing concern with the proposal.

Staff recommends that the petition be postponed at the February 23<sup>rd</sup> county public hearing to provide time for an application to be submitted and considered at the town level, and to receive testimony from interested parties at the county hearing.

*Questions about this staff report? Contact Majid Allan – [allan@countyofdane.com](mailto:allan@countyofdane.com) / 608-267-2536.*

**TOWN:** Pending (application yet to be filed with the town of Dunn)