

Staff Report

**Zoning & Land
Regulation
Committee**

Public Hearing: June 23, 2026

Report updated for the July 28th ZLR meeting

Zoning Amendment Requested:

TO CUP: GARAGE MORE THAN 12 FEET IN AVERAGE HEIGHT

Size: 0.6 Acres

Survey Required:

Reason for the request:

GARAGE MORE THAN 12 FEET IN AVERAGE HEIGHT

**Conditional Use
02710**

Town, Section:

BURKE, Section 10

Applicant:

BRANDON SCULLION

Address:

3754 ELNA RD



DESCRIPTION: Brandon Scullion request a conditional use permit (CUP) to build a garage over 12 feet in height. The property is zoned SFR-08, a zoning district used for smaller residential lots and in that district accessory buildings are limited to 12 feet in height, measured as the average height between the roof peak and roof eave. The SFR-08 district allows for garages up to 16 feet in average height, with approval of a CUP. The proposed garage he wants to build would be 17 feet high at the peak and 12 ft high at the eaves, for an average height of 14.5 feet.

OBSERVATIONS / FACTUAL INFORMATION: The property is in SFR-08 single family residential district and is 0.6 acres in size. The neighboring land uses are single family residential on all sides. The property is located in the First Addition to Rattmann Heights, a residential subdivision.

Accessory buildings between 12 and 16 feet in height is listed as an allowable conditional use in the SFR-08 zoning district.

A location survey will be required for the garage during construction (upon installing the foundation, and prior to further vertical construction).

RESOURCE PROTECTION: There are no sensitive environmental resources within 300 feet of the subject property.

COMPREHENSIVE PLAN: This petition is in the town's Rural Residential planning area and will eventually become part of the City of Sun Prairie in accordance with the town/city cooperative plan. There are no specific policies that address this particular type of request, nor would the proposal trigger City of Sun Prairie review under the terms of the cooperative

plan. The property is within a residential subdivision with smaller sized lots; however the proposal isn't dramatically taller than a permitted accessory building and could aesthetically fit into the area if there is neighborhood support. For that reason, pending any concerns that may be raised at the ZLR Public Hearing, the proposed use appears reasonably consistent with the Comprehensive Plan.

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 operations plan. The applicant states that they want extra storage space and there are similar accessory buildings around the neighborhood.

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 they have informed the neighbors and they have agreed to having the taller accessory building in this location and it won't be towering over the property line or limiting use of adjacent properties.

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.

The applicant states that the proposed building satisfies the required setbacks and is similar to other conditional use permits in the area.

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 most of the surrounding properties are residential already developed including homes and accessory buildings.

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

The applicant states that the building will share access with the driveway to the residence, and gutters, drain tile, and grading will be used to manage stormwater.

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 garage and driveway. The applicant states that the accessory building will not generate additional traffic.

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. Heights between 12 and 16 feet are an allowable conditional use in the district. Other requirements such as lot coverage by buildings, accessory building size, and building setbacks will also be met.

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. Similar CUPs have been granted in the neighborhood.

- 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 accessory building height most likely involve encroachment into the enjoyment of neighboring properties. 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, there are no other special requirements for height of accessory buildings.

TOWN ACTION: Town Board recommended approval with 8 conditions (see Town Action Report and recommended conditions below).

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

STAFF RECOMMENDATION (updated): Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the proposal satisfying the locational requirements and permitted land uses of the SFR-08 district, and is reflected in the Town's recommendation for approval with 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 following a satisfactory town action report, 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, and the town approved conditions.

CUP 2710 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:

13. This conditional use is strictly for Brandon Scullion located at 3754 Elna Rd in the Town of Burke.
14. This conditional use is strictly for one detached accessory building on parcel 0810-104-0952-7.
15. The building may exceed the height of 12 feet but cannot exceed a mean or average height of 16 feet.
16. Driveway access must enter off Elna Road on existing driveway.
17. Neighbor properties must not be negatively impacted.
18. The storage of any hazardous materials or liquids shall comply with all State and Federal regulations including best management practices for such materials.
19. A Zoning Permit is required by Dane County Zoning.
20. A location survey is required by Dane County Zoning to verify setbacks.

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