



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **June 24, 2014**

Petition: **CUP 1613**

Review of conditions and possible revocation of an existing Conditional Use Permit

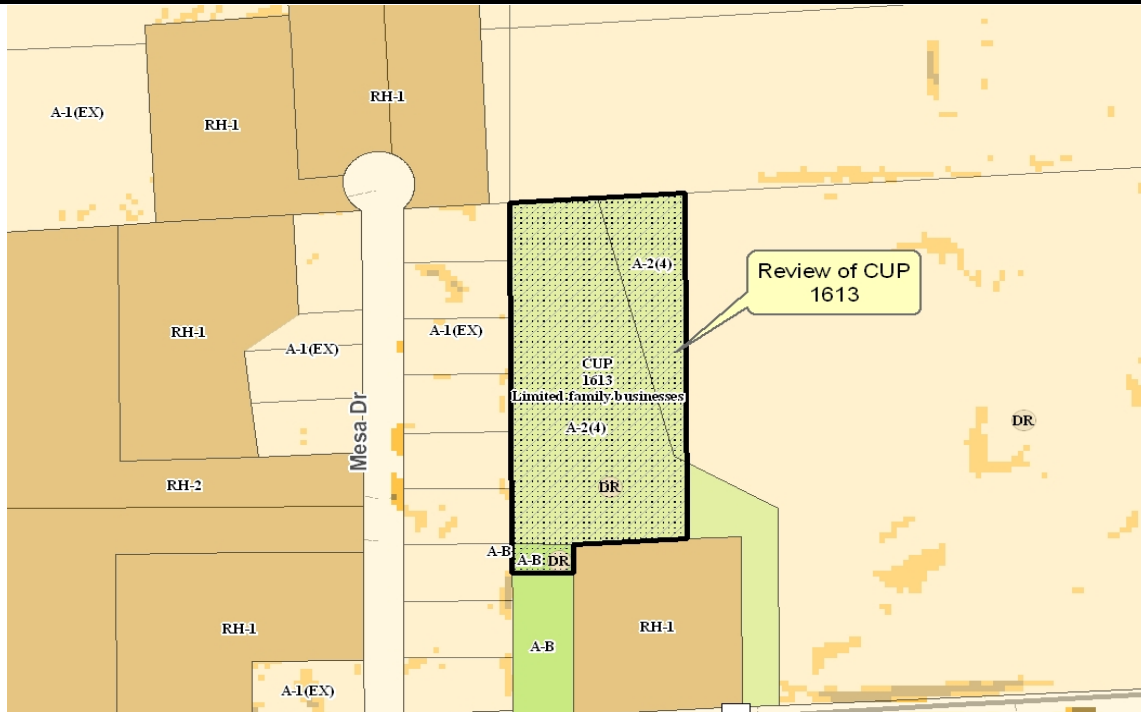
Town/sect:
Rutland Section 18

Acres:
Survey Req.

Applicant
Kenneth Martinson

Conditional Use Permit:
Limited Family Business

Location:
4614 County Highway A



The Dane County Zoning Division received a complaint concerning the amount commercial truck activity and outside storage of junk on this property. An inspection was conducted April 15, 2014. The Division found numerous unlicensed vehicles on the property and various metal objects/junk stored outside. A violation letter was written on April 24th informing the landowner of the violations. This is the third time that violations have been identified on the property. Notices of violation were also sent in 2002 and in 2007.

In 2000, the landowner obtained a Conditional Use Permit to operate a Limited Family Business (drain installer) on the property. As part of the inspection, Division staff reviewed the conditions of approval for CUP #1613. It was found that the required evergreen screening between the business and the neighboring homes (Mesa Drive) did not exist and that machinery was being stored in view from Mesa Road. These two observations are in violation of the conditions of CUP #1613.

The Zoning Division has been working with the landowner to resolve these violations, but the landowner is reluctant to cooperate. Mr. Martinson stated that he no longer runs a drain installer business on the property. He further explained that his brother, Tom Martinson, was using the shed in the rear of the lot. It appears that the shed is being used for a vehicle repair business.

The Division is requesting that Conditional Use Permit #1613 be revoked for the following reasons:

1. The landowner residing on the property no longer runs the limited family business.
2. The landowner is violating Condition #2 of CUP #1613: Evergreen screening of home and storage shed.
3. The landowner is violating Condition #3 of CUP #1613: No machinery stored such that it can be viewed from Mesa Drive.
4. Given the violations regarding the storage of junk on the property in 2002, 2007, and 2014, it appears that Standard 6 is not being followed. Standard 6 requires that the property conform to all applicable regulations of the district.

CUP 1613 Revocation continued

6/24 ZLR Action: A motion was made by Matano, seconded by Bollig to postpone until the July 22nd meeting. The motion carried by a voice vote.

Staff was directed to advise the owner on possible amendments to the conditions of CUP 1613 that would address neighbor concerns with operation of the limited family business and existing zoning violations occurring on the property. Supervisors requested that Alliant Energy be contacted to determine what, if any, landscaping can be done within the utility easement area between the subject property and neighboring residential lots on Mesa Drive.

Staff Update:

Zoning Staff has reviewed the Wisconsin Corporate records regarding Martinson businesses. Martinson Drainage no longer exists in the State's business record bank. In speaking with Dan Martinson, he stated that the trucks for the businesses of DA Martinson Trucking and Martinson Excavating are being stored on the property and the shed is being utilized for truck maintenance. Zoning Staff could not find other commercial property for the Martinson Trucking or Martinson Excavating other than the property in question.

The building was also being used for auto repair and the grounds were being used for the storage of cars under repair. The vehicles have been removed from the property and the owner no longer permits the son to use the building for auto repair.

Zoning Staff has contacted Alliant Energy regarding the planting of trees under a utility line. The planting of trees are not prohibited. Further, Alliant Energy provides a brochure on how to select trees for planting under utility lines. The brochure suggests evergreens such as arbor vitae, eastern red cedar, or Chinese juniper would work well under power lines.

Summary:

Zoning Staff have determined that the property at 4614 County Highway A is being used for the storage and maintenance of commercial trucks and construction equipment. The activities do not meet the conditions of CUP 1613 nor do they meet the land uses permitted in the A-2(4) Agriculture Zoning District.

The land uses have clearly changed on the property and Zoning Staff is suggesting that the conditional use permit for the limited family business be revoked.

Landowner alternatives:

1. Rezone the property to LC-1 Limited Commercial Zoning District. The zoning district would allow commercial activities (trucking/excavating business and maintenance of fleet) to occur on the property. Up to 12 vehicles are permitted by right on the property. Additional vehicles may be stored on the property through the conditional use process. Screening of outside storage and paving of the driveway may be needed to address potential nuisances.
2. Remove the commercial activities from the property and use the existing accessory building for residential purposes. The current zoning of the property is A-2(4) Agriculture Zoning District. The property can be used for a single-family residence and agricultural purposes. Animal units are limited to 1 unit per acre. A limited family business may occur on the property through a Conditional Use Permit. The limited family business is intended for owners residing on the property with a maximum of one employee not residing on the property.