

# Dane County Conditional Use Permit Application

<b>Application Date</b>	<b>C.U.P Number</b>
05/20/2022	DCPCUP-2022-02570
<b>Public Hearing Date</b>	
07/26/2022	

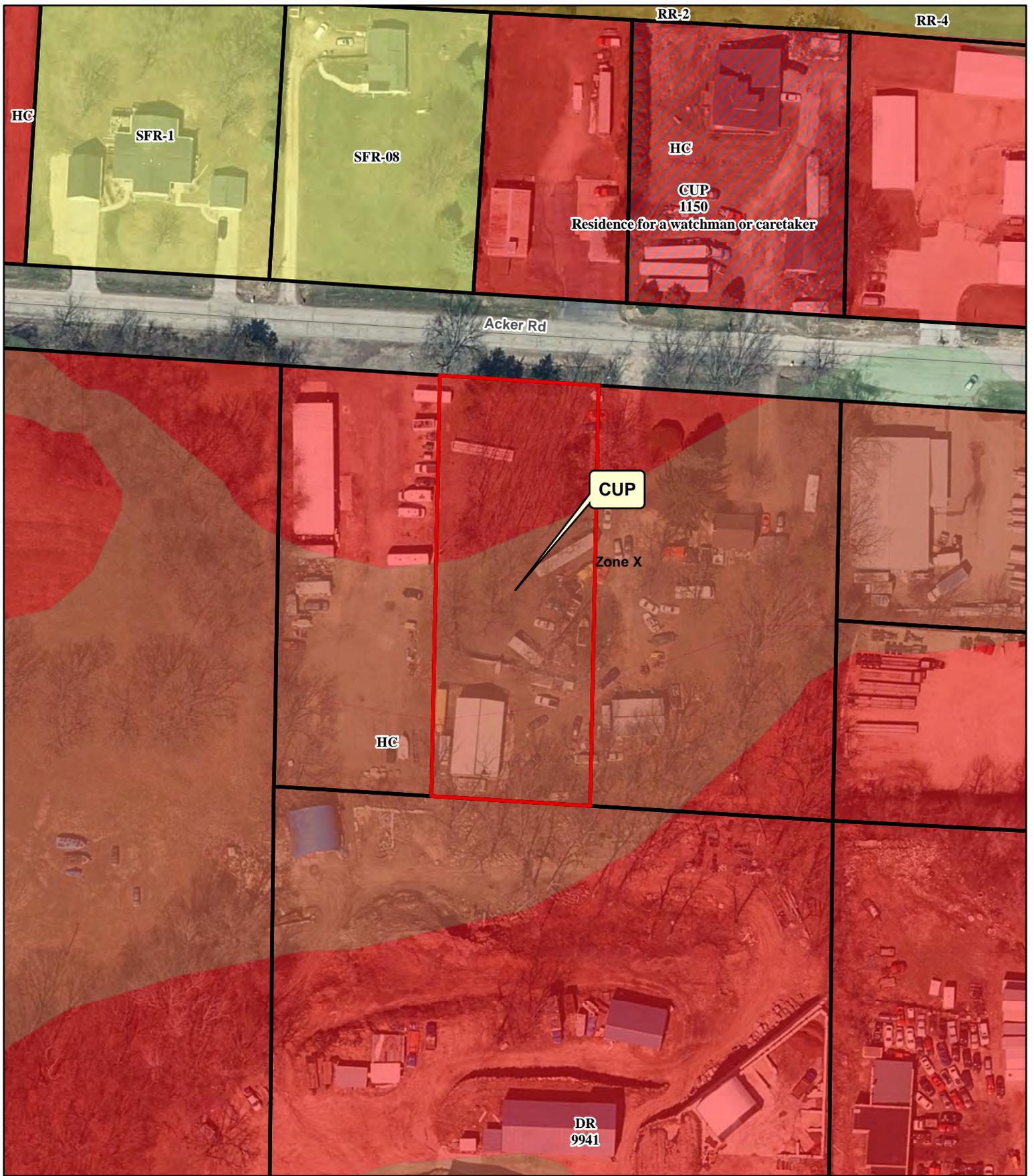
OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME ZACHARY BRUMM	Phone with Area Code (920) 390-1200	AGENT NAME ROBERT PROCTER	Phone with Area Code (608) 283-6763
BILLING ADDRESS (Number, Street) 4290 HOEPKER RD		ADDRESS (Number, Street) 2 EAST MIFFLIN STREET #200	
(City, State, Zip) MADISON, WI 53704		(City, State, Zip) Madison, WI 53703	
E-MAIL ADDRESS zbrumm@gmail.com		E-MAIL ADDRESS rprocter@axley.com	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
4301 Acker Road					
TOWNSHIP BURKE	SECTION 8	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0810-084-9440-3		---		---	

CUP DESCRIPTION
Salvage Yard

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
10.282(3)	0.94

<b>DEED RESTRICTION REQUIRED?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No  Applicant Initials _____	Inspectors Initials  RWL1	<b>SIGNATURE:(Owner or Agent)</b>  _____
		<b>PRINT NAME:</b>  _____
		<b>DATE:</b>  _____



**Legend**

- |  |            |   |
|--|------------|---|
|  | Wetland    | <b>Significant Soils</b>  |
|  | Floodplain |  Class 1 |
|  |            |  Class 2 |



**CUP 02570**  
**ZACHARY BRUMM**



**Dane County**  
**Department of Planning and Development**  
 Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$495
Mineral Extraction:	\$1145
Communication Tower:	\$1145 (+\$3000 RF eng review fee)
PERMIT FEES DOUBLE FOR VIOLATIONS OR WHEN WORK HAS STARTED PRIOR TO ISSUANCE OF PERMIT	

## CONDITIONAL USE PERMIT APPLICATION

### APPLICANT INFORMATION

Property Owner Name:	Zachary Brumm	Agent Name:	Robert C. Procter
Address (Number & Street):	4290 Hoepker Road	Address (Number & Street):	2 East Mifflin Street, 200
Address (City, State, Zip):	Madison, WI 53704	Address (City, State, Zip):	Madison, WI 53703
Email Address:	zbrumm@gmail.com	Email Address:	rprocter@axley.com
Phone#:	(920) 390-1200	Phone#:	(608) 283-6763

### SITE INFORMATION

Township:	Burke	Parcel Number(s):	014/0810-084-9440-3
Section:	8	Property Address or Location:	4301 Acker Road, Town of Burke, Wisconsin
Existing Zoning:		Proposed Zoning:	
		CUP Code Section(s):	

### DESCRIPTION OF PROPOSED CONDITIONAL USE

Type of conditional use permit (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use):

Salvage Yard

Is this application being submitted to correct a violation?

Yes  No

Provide a short but detailed description of the proposed conditional use:

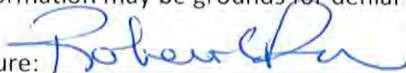
the operations to the property at 4301 Acker Road. The applicant would like to obtain a Type 1 Salvage License so that he may store vehicles on site and sell parts from the site. A Type 1 Salvage Yard is allowed as a CUP under Industrial Zoning. The sales will be generally through the internet.

### GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determined that all necessary information has been provided. **Only complete applications will be accepted.** All information from the checklist below must be included. Note that additional application submittal requirements apply for particular uses or as may be required by the Zoning Administrator. Applicants for significant and/or potentially controversial conditional uses are strongly encouraged to meet with staff prior to submittal.

- Complete attached information sheet for standards
- Site Plan drawn to scale
- Detailed operational plan
- Written legal description of boundaries
- Detailed written statement of intent
- Application fee (**non-refundable**), payable to Dane County Treasurer

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Dane County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.

Owner/Agent Signature: 

Date: 5.19.2022

## STANDARDS FOR CONDITIONAL USE PERMITS

Applicants must provide adequate evidence demonstrating to the Town and Dane County Zoning & Land Regulation Committee that the proposed conditional use satisfies the following 8 standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in sections [10.220\(1\)](#) and [10.103](#) of the code.

Please explain how the proposed land use will meet the following standards (attach additional pages, if necessary):

1. 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 proposed use is to recycle automobiles, which will promote the public interest. The storage of vehicles will be screened by a fence, and the type of operations that may create noise will be within the building.

2. 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 neighborhood is almost all heavy commercial and industrial type uses. The property was an eyesore used for random, outside storage. The property is now cleaned up, and the operations in it will be screened by a fence. The use will improve the area compared to the prior use.

3. 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.

This area of the Town will eventually be attached to the City of Madison pursuant to the cooperative plan between the municipalities. The City currently has this area planned for future industrial uses.

4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.

Yes.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

There will not be a large amount of traffic. On average 5 to 30 trips a day.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Yes.

7. The conditional use is consistent with the adopted town and county comprehensive plans.

It is consistent with Madison's future plan. The Town's and County's plan shows it as Commercial with Industrial next to it.

8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary.

- Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:
- Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:
- Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:
- Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:
- Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible:

## WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN

Applicants must provide a detailed written statement of intent describing the proposed conditional use along with an operational plan that explains how the conditional use will be operated. Please use the form below and provide responses, as applicable, to your proposed conditional use. Attach additional pages, if necessary.

Describe in detail the proposed conditional use. Provide the specific location of the use(s), type of equipment used, planned property improvements, including description / size of existing or proposed new buildings to be used, and any other relevant information. For existing or proposed commercial operations, provide the name of the business and describe the nature and type of business activity.

Under its current zoning and Type 4 Salvage license, ZB cannot not store vehicles or conduct sales from its site. ZB would like to obtain a Type 1 Salvage license to store vehicles on site, and to conduct sales from the property. This would require ZB to obtain industrial zoning and a conditional use permit. ZB would store vehicles and sell parts from those vehicles mostly over the internet. ZB does not intend to have any significant retail traffic. It would instead have a website that listed the types of parts that it has, and then sell those parts over the internet. The stored vehicles would be screened by a fence.

List the proposed days and hours of operation.

Monday through Friday 8:00 a.m. to 5:00 p.m., and Saturday 8:00 a.m. to 12 a.m.

List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.

3 fulltime employees.

List any anticipated noise, odors, dust, soot, runoff or pollution associated with the conditional use, along with any proposed measures that will be taken to mitigate impacts to neighboring properties.

There would be normal noises involving trucks delivering vehicles, and forklift moving vehicles. The act of taking vehicles apart would occur within a building, which would mitigate such noises. All activities would be screened by the fence.

Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building.

There would be normal noises involving trucks delivering vehicles, and forklift moving vehicles. The act of taking vehicles apart would occur within a building, which would mitigate such noises. All activities would be screened by the fence.

For proposals involving construction of new facilities and/or infrastructure, describe, as applicable, any measures being taken to ensure compliance with county stormwater and erosion control standards under [Chapter 11](#) of [Chapter 14](#), Dane County Code.

There will be a concrete driveway installed. Applicant will comply with all regulations.

List and describe existing or proposed sanitary facilities, including adequate private onsite wastewater treatment systems, associated with the proposed conditional use. For uses involving domestic pets or livestock, list and describe measures taken to address manure storage or management.

Well and septic will be installed.

List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.

Cars will be stored, but must recyclable materials will be removed twice weekly (delivered to purchasing businesses).

Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

There will be trips of tow trucks averaging 5 to 30 tips a day. Acker Road has numerous industrial users.

Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.

The site will have the normal materials involved with automobiles.

Describe any existing or proposed outdoor lighting along with any measures that will be taken to mitigate light-pollution impacts to neighboring properties. The Zoning Administrator may require submittal of a photometric plan for outdoor lighting if deemed necessary to determine potential impacts to neighbors.

Very minimal lighting just on the building. There will be no operations after dark.

Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in s. [10.800](#).

There are no existing signs. The applicant will likely install a sign on the building.

Briefly describe the current use(s) of the property on which the conditional use is proposed.

Personal storage.

Briefly describe the current uses of surrounding properties in the neighborhood.

Industrial and heavy commercial.

## BUSINESS NARRATIVE AND REQUEST

ZB Salvage & Recycling is part of the process of recycling cars. It picks up vehicles from their owners, delivers the vehicle to 4290 Hoepker Road, removes the wheels and other recyclable items, and then sells the vehicle and other recycled items to local salvage yards and scrap metal processors.

ZB purchases anywhere from 0 to 30 vehicles a day. ZB's employees can remove the wheels and other items from approximately 5 vehicles per hour depending on the type of vehicle and number of employees working. Generally, ZB gets the vehicles in and out in the same day.

Under its current zoning and Type 4 Salvage license, ZB cannot not store vehicles or conduct sales from its site. ZB would like to obtain a Type 1 Salvage license to store vehicles on site, and to conduct sales from the property. This would require ZB to obtain industrial zoning and a conditional use permit. ZB would store vehicles and sell parts from those vehicles mostly over the internet. ZB does not intend to have any significant retail traffic. It would instead have a website that listed the types of parts that it has, and then sell those parts over the internet.

### 1. Neighbourhood Characteristics

**A. Current Surrounding Uses.** 4301 Acker Road, Town of Burke, Wisconsin is locating in an area with commercial and industrial uses, which include:

1. Ideal Crane Rental
2. Dick's Superior Metal Sales & Welding
3. Gordy's Concrete Pumping Service
4. Northside Automotive Service
5. Micanico Madison
6. Miranda's Autobody and Towing
7. Pechmann Memorials Inc.
8. Madison Block & Stone, LLC
9. Best Buds Landscaping & Greenhouse



**B. Current Use of Property.** The current use of the Property was storage by the prior owner, which ZB cleaned up. The ZB is currently using the building for personal storage until it moves its current business to the site.

**Cleaned Up Property Left On The Site By Prior Owner**



## OPERATIONAL NARRATIVE

- 1. Hours of Operation.** Monday through Friday 8:00 a.m. to 5:00 p.m., and Saturday 8:00 a.m. to 12 a.m.
- 2. Number of Employees.** 3 fulltime employees.
- 3. Noise / Odors.** There would be normal noises involving trucks delivering vehicles, and forklift moving vehicles. The act of taking vehicles apart would occur within a building, which would mitigate such noises.
- 4. Outside Storage and Activities.** The Applicant would store vehicles outside screened by the proposed fence. Other than storing and moving vehicles, almost all activities would have within the building.
- 5. Stormwater and Erosion Control.** The Applicant will comply with all stormwater and erosion control requirements.
- 6. Sanitary Facilities.** The Applicant will be installing sewer and septic prior to operating the business.
- 7. Managing Trash and Recyclable Materials.** All recyclable materials will be screened by the fencing. Cars will be stored, outside, but must recyclable materials will be removed twice weekly (delivered to purchasing businesses).
- 8. Traffic.** There will be trips of tow trucks averaging 5 to 30 tips a day. Acker Road is an industrial road. The trucks used by the Applicant are under CDL weight except for one, which is actually smaller than trucks used by other businesses in the neighborhood.
- 9. Hazardous Material.** The site will have the normal materials involved with automobiles. The Applicant removes all fluids for stored vehicles, and has to comply with all Department of Natural Resources requirements.
- 10. Outdoor Lighting.** There will be very little lighting, which would be a light on the building.
- 11. Signage.** There would be a limited sign on the building in compliance with the County's ordinance.

## PROPOSED FENCING AROUND NEW PROPERTY



ZB will be installing a fence around the property similar to the one pictured.  
6' tall in the front.  
8' tall on the sides and back.



## **LEGAL DESCRIPTION**

### **4301 Acker Road, Town of Burke, Wisconsin**

The East 124.5 feet of Lot 3, Certified Survey Map 816, recorded in Vol. 4 of Certified Survey Maps, page 31, as #1325421, in the Town of Burke, Dane County, Wisconsin.

ALSO described as: Part of Lot 3, Certified Survey Map 816, recorded in Vol. 4 of Certified Survey Maps, page 31, as #1325421, in the Town of Burke, Dane County, Wisconsin, described as Section 8, Town 8 North, Range 10 East, part of the Southwest 1/4 of the Southeast ¼ commencing at Section Southeast corner; thence North 855.82 feet; thence North 86° West, 1312.16 feet; thence South 361.88 feet; thence North 86° West, 190 feet to point of beginning; thence continuing North 86° West, 124.5 feet; thence North 329.36 feet; thence South 86° East, 124.5 feet; thence South 329.17 feet to point of beginning.