## TOWN BOARD ACTION REPORT - CONDITIONAL USE PERMIT

Regarding Petition # <u>CUP 2427</u> Dane County ZLR Committee Public Hearing <u>July 24, 2018</u>

Whereas, the Town Board of the Town of Black Earth having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): APPROVED

DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

 PLANNING COMMISSION VOTE:
 5
 In Favor
 Opposed

 TOWN BOARD VOTE:
 3
 In Favor
 Opposed

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

# ✓ SATISFIED □ NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):					
A. That the Town of Black Earth grants you a Conditional Use Permit on said property located					
at 5140 Mickelson Road with the following deed restrictions.					
1. That Dependency Living Area have a common wall while owner and family reside in principle area.					
2. That Dependency Living Area must be 800 sq. ft. or less.					
3. The living area may contain a bath, limited kitchen facilities and no more than two(2) bedrooms.					
4. Dependency Living Area must have a separate entrance.					
5. That Dependency Living area may only be occupied by a parent(s) of the principle of the Dwelling					
Unit.					
B. When the parent(s) no longer occupy the Dependency Living Area it is prohibited to be					
converted into a rental unit.					

**<u>PLEASE NOTE</u>**: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, <u>Dayna Dreis</u> , as Town Clerk of the Town of <u>Black Earth</u> , County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on <u>June 5</u> , 20 <u>18</u> .					
Dayna Dreis	June 5	, 20 18 .			
Town Clerk	Date				

## FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from section 10.255(2)(b):

"No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met."

- 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
- 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.
- 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.
- 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
- 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.
- 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)

- 1. ☑ SATISFIED / □ NOT SATISFIED
- 2. 🛛 SATISFIED / 🗆 NOT SATISFIED
- 3. ☑ SATISFIED / □ NOT SATISFIED
- 4. ☐ SATISFIED / ☐ NOT SATISFIED
- 5. 🛛 SATISFIED / 🗆 NOT SATISFIED
- 6. ☑ SATISFIED / □ NOT SATISFIED

### THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

 <u>.</u>

		Petition #_DCPCUP ty Zoning & Land Regula			7-24-2018	
		he Town Board of the <b>Tov</b>				ered said zoning petition
be	it therefo	ore resolved that said pet	ition is hereby (che	ck one): 🕅 Ap	proved Denie	ed Postponed
To	wn Plann	ning Commission Vote:	_5_ in favor	_O_oppose	ed abstain	ed
		Town Board Vote:	in favor	_O_oppose	edabstain	ed
т	HE PET	TTION IS SUBJECT TO	THE FOLLOWIN	G CONDITION	5) (Check all app	ropriate boxes):
	Dee	ed restriction limiting use				
2.	farn	ed restrict the balance of <i>i</i> m (as of date specified in scription, or tax parcel nu	the Town Plan) pro	Exclusive zoned la hibiting non-farm	nd owned by the ap development. Pleas	plicant from the original se provide property
3.	Dee des	ed restrict the applicant's scription, or tax parcel nu	property described nber(s):	below prohibiting	division. Please pro	ovide property
4.	(a.k	ndition that the applicant a.a. splits) have been exh vn & County Land Use Pl	austed on the prope	erty, and further re	sidential developme	ent is prohibited under
5.	Othe	er Condition(s). Please s	pecify:			
lea	ase note:	The following space is approval if the decision	s reserved for com n does not comply	ment by the minor with the relevant	ity voter(s), <u>OR</u> , fo provisions of the Tor	r the Town to explain its wn Plan.
		the above resolution was				
		(invertain			Date: JUNE	

the second s	
545-105 (2/06)	

#### DOESCHER CONDITIONAL USE PERMIT DCPCUP-2018-02427

Plan Commission:

Motion Danz/Weil to recommend approval with the following Deed Restrictions. Carried 5-0

Town of Black Earth Board:

Motion Ripp/Parrell to approve with the following Deed Restrictions. Carried 3-0

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- B. When the parent(s) no longer occupy the Dependency Living Area it is prohibited to be converted into a rental unit.