

6538 SCHUMACHER RD



History

This property is part of the original 160-acre Hellenbrand farm. The farm residence and outbuildings were separated from the farmland in 1987 and the zoning district classification of RH-2 was assigned to the 5-acre lot.

In 2013, a complaint was lodged on the property regarding a potential landscape business being operated within a residential zoning district. A site inspection revealed that Mr. Foulker was operating a landscaping business without the proper zoning or approvals. To correct the violation, the property's zoning district classification was changed to LC-1 to allow the landscaping company to operate on the property. A conditional use permit (CUP# 2255) was also issued to allow for the business owner's residence and outdoor storage of materials and equipment.

Several improvements were made to the property. In 2016, a zoning permit was issued for a deck to be installed on the existing barn. The deck was to be used for the landowner's private wedding. The barn is considered a residential accessory building. In 2017, a zoning permit was issued for a 3600 square foot storage building. The building is to be used a part of the landscaping business.

In August of 2017, another complaint was lodged on the property regarding banquet events being held within a barn. A site inspection revealed that the barn was converted into a banquet hall without proper zoning or the necessary approvals. The Zoning Division sent a letter requiring the property owner to cease the illegal banquet hall activity or face having the illegal events shut down abruptly. The Dane County Sheriff's Department was also notified of the potential future illegal activity.

Observations

There is a single-family residence on the property along with various outbuildings to support the landscape business. It appears that the barn has been updated to hold event venues. No change of use has been issued in order to turn the agricultural building into a commercial banquet hall.

The surrounding properties are being used for agricultural purposes (cropped fields). The nearest residence is approximately 1000 feet away. There are only 2 residences with 2000 feet. The Town of Vienna Comprehensive Plan designates this property as being used for residential purposes. The property is serviced by Scumacher Road (town road). The width is approximately 28 feet wide with no centerline striping.



Zoning and Land Use

The property is currently zoned LC-1 Limited Commercial. The district is intended for contractor and landscape businesses with an option of having the owner reside on the property. The characteristics of the district include large utilitarian buildings, outdoor stockpiles, low traffic volume, and early morning activities.

The LC-1 Zoning District has an option for different commercial uses to be operated by the landowner if found acceptable. The land use is called “Limited Rural Business” and can only be allowed if a conditional use permit is obtained. The conditional use permit would allow land uses which are listed in the B-1, C-1, and C-2 Zoning Districts to be operated by persons residing on the property. The Limited Rural Business does have limitations. The commercial activity shall be operated exclusively inside an existing farm building; no more than 4 non-family employees; and the commercial activity is found not to conflict with the intent of the underlying zoning district.

Renting a farm building out for use as a banquet hall is considered a commercial land use. The activity would fall under the classification of an “Auditorium” as listed in the Dane County Zoning Ordinance. An auditorium is only listed as a permitted land use within the B-1 Business Zoning District. Unfortunately, landscaping businesses and single-family residences are prohibited within the B-1 Business Zoning District. This is due to conflicts between the land uses with regards to noise, traffic/equipment movement, and the aesthetics of outdoor storage.

The existing barn on the property could potentially be viewed as a Limited Rural Business, although the activity must be confined to the interior of the barn. One possibility is to reconfigure the barn by removing the deck to eliminate the outdoor area. A conditional use permit could possibly be obtained if such issues as traffic movement on the town road, adequate parking, hours of operation, and building code safety could be addressed to the Town’s satisfaction.