

plandev@countyofdane.com

regarding: Petition CUP 2514
Oregon/Section 8
Applicant: Mathew Zuehlke
Location: 1331 County Highway D

Dear Sir:

I am writing in opposition to the granting of a CUP for the above referenced application. I have outlined five objections followed by Exhibits showing excerpts from Dane County Zoning Ordinances and the Town of Oregon Land Use Plan. I have highlighted specific words for emphasis.

Objection #1. The applicant does not qualify for a CUP under provisions of the Dane County Zoning Ordinances (Exhibit 1, below) related to “Limited family business”. During his testimony at the Oregon Plan Commission meeting February 23, 2021, the applicant stated that his company, Brothers HVAC, LLC, would occupy the proposed building. The LLC has 4 employees of which only two are family members residing on the premises. The other two employees reside elsewhere. Please note the Ordinance language (Exhibit 1) states the residency requirement as a mandatory provision.

Objection #2 The application proposes outside storage of multiple items related to the business. In the applicant’s public testimony, he expanded the list to include storage of scrap metal outside. Outside storage is not permissible based on the language of the Ordinance (Exhibit 1).

Objection #3: The provisions of the “Limited family business” refer to a “small family- run commercial operation” (Exhibit 1). However, as shown in Objection #4 and Exhibit 2 below, the proposed uses are industrial in nature, rather than commercial, and thus should not be permitted even with a successful commercial exception.

Objection #4. The applicant’s land is zoned rural residential. The zoning codes in Exhibit 2 clearly define permitted uses for industrial land and state that industrial uses “require separation from residential uses.” The applicant’s application, as well as testimony before the Oregon Plan Commission, propose the following industrial uses for his rural residential land:

- HVAC contracting – A “building trade” as referenced in Exhibit 2
- Warehousing materials – “Warehousing and distribution facilities” as referenced in Exhibit 2
- Fabricating and performing maintenance on equipment – “Indoor storage and repair” as referenced in Exhibit 2

Therefore, the applicant’s proposed plan is incompatible with the concept of separation between residential and industrial land use.

Objection #5. The proposed CUP is inconsistent with the Oregon Land Use Plan (Exhibits 3.1 and 3.2). To illustrate this point I have included excerpts from both the Land Use Plan regarding Rural Preservation Areas and the Dane County Zoning Ordinance requirement for CUP approval.

I understand that Zuehlkes are hard workers and good people. A number of people have given me references that support that conclusion. I wish my neighbors well and success with their business.

I spent three years as chairman of a Visioning Committee for the Town of Oregon and assisted with revisions to our Land Use Plan. During that process, we contacted and reported on the interests of the Town residents as it related to current and future land use. A consistent theme expressed by the majority of citizens related to their desire to avoid potential land use conflicts.

While it is important to respect the rights of each property owner, it is equally important to recognize the protection to the community as a whole. As I understand, the purpose of both zoning and land use planning is to achieve that purpose. I urge the Dane County Zoning and Land Use Regulation Committee to reject this application for a CUP based on its failure to meet all of the standards of approval for such permit.

Thank you for your consideration.

John Pinger

1247 County Road D Oregon, WI

Exhibit 1: Relevant provisions of Dane County Zoning Ordinances.

(84) *Limited family business*. A small family- run commercial operation, accessory to a permitted principle use, that takes place entirely within an accessory building. All employees, except up to one or one full-time equivalent, must be a member of the family residing on the premises.

pg 10-4 4. The words "shall," "must" and "will" are mandatory.

Exhibit 2: Relevant provisions of Dane County Zoning Ordinances

10.282 MI (MANUFACTURING AND INDUSTRIAL) ZONING DISTRICT.

3. uses require separation from residential uses

(2) Permitted uses.

(g) Contractor, landscaping or building trade

(p) Indoor storage and repair.

(ee) Vehicle repair or maintenance services.

gg) Warehousing and distribution facilities.

And on **Page 10-25**

1. Standards for approval. Before approving any conditional use permit, the town board and zoning committee must find that all of the following conditions are met...

b. 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;

Exhibit 3.1: Relevant provisions of Dane County Zoning Ordinances

Page 10-25

g. That the conditional use is consistent with the adopted town and county comprehensive plans.

Exhibit 3.2: Relevant provisions from the Town of Oregon Land Use Plan.

3a) – Requests for Commercial and Industrial Uses – Non-farm related commercial and industrial uses shall not be permitted in this category. Such uses shall only be considered for approval on parcels located in areas mapped as "Commercial" or "Industrial" use on the proposed land use map of this comprehensive plan

Policy 12v – Compatibility of Land Uses – In all instances, any proposed new land use, rezone, land division and building of structures should be compatible to neighboring uses, and not negatively impact the existing value of adjacent uses.