


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> December 17, 2024		Conditional Use 02646
	<u>Zoning Amendment Requested:</u> TO CUP: Limited Family Business - Consultant		<u>Town, Section:</u> DUNN, Section 23
	<u>Size:</u> 2.8 Acres	<u>Survey Required:</u>	
	<u>Reason for the request:</u> Limited Family Business - Consultant		<u>Applicant:</u> GEORGE and TIFFANY CORRIGAN
			<u>Address:</u> 2168 COLLADAY POINT DRIVE



DESCRIPTION: George and Tiffany Corrigan request a conditional use permit (CUP) for a Limited Family Business, in order to move an existing home occupation from the home into a new 10'x12' single-story accessory building. The business involves law practice, trustee and personal rep services, real estate and investing.

There will be no change to the existing operation. No customers/clients come to the office. Occasionally an employee may pick up documents and stay for up to an hour working; total on-site time by employee would be less than one hour per week. The new building would be built on diamond piers rather than a foundation, to minimize soil disturbance. They would install sanitary fixtures (a bathroom with toilet and sink), served by water and sewer same as the house.

OBSERVATIONS / FACTUAL INFORMATION: The property is a 2.7-acre certified survey map lot (Lot 1 of CSM #12163), that was originally platted in 1939 as part of the Colladay's Point subdivision. It is a unique property that contains a lagoon that is almost entirely surrounded by land with a small connection to Lake Kegonsa.

In most of Dane County's residential zoning districts, a business that operates beyond the primary home is considered a "limited family business" which requires a conditional use permit. The property is zoned RR-2 Rural Residential.

COMPREHENSIVE PLAN: The subject property is located in the town's "Limited Service Area" planning area. The town's comprehensive plan lists the conditional uses available in each zoning district, "...that, based upon their nature and well-known or anticipated impacts, the Town believes could be reasonably consistent with..." the town's comprehensive plan. Limited family businesses are listed as such a use available in the RR-2 district. The plan also lists potential conditions of approval the town may impose based on the intensity of the use and characteristics of the property and surrounding area. The proposed relocation of the existing "home occupation" to a residential accessory building is unlikely to result in any discernible negative impacts to neighboring properties.

The proposed conditional use appears reasonably consistent with comprehensive plan policies. Pending any concerns raised at the ZLR public hearing, or by the Town of Dunn in the course of its review, staff recommends approval of the petition subject to the standard conditions that apply to all CUPs, along with any conditions the town may require. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

RESOURCE PROTECTION: Site development is subject to shoreland, wetland, and floodplain regulations. The applicant's site plan accounts for this and locates the building more than 75 feet away from resource protection areas.

CONDITIONAL USE PERMIT DECISION MAKING: "Conditional uses" are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

1. *That 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 CUP application describes the proposed operations plan. The applicant states that there will be no change to the existing work that is done, that it will simply be relocated from the house to a separate structure. No clients will come to the office, and employees almost never come to the property.

The site plan accounts for shoreland, wetland, and floodplain zoning regulations. The building will be located more than 75 feet away from resource protection areas, construction will use piers to minimize impacts to the soil, and they are obtaining an erosion control permit for the site work.

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.*

The applicant states that there will be no noise or traffic, and most neighbors will be unaware of the office because it will not be seen, heard or otherwise noticeable.

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.*

The applicant states that the surrounding land is developed except for 3 privately owned lots on Colladay Point, and this business will not impact any development or improvement of surrounding lands.

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. This property and most of the surrounding properties are already developed as residential lots.

4. *Adequate utilities, access roads, drainage and other necessary site improvements have been/are being made.*

The utilities, access roads, drainage, and other improvements needed for the proposed use are either in place or planned for improvement. The applicant states that the electrical and water will come from the house. Sewer and water would be installed in spring (if needed) and wastewater will be routed to a grinder pump. No improvements are needed for access.

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.*

Off street parking is available in the existing driveway that fits 6 vehicles, and a 4-car garage. The applicant states that there will be no change in traffic, parking, etc. No customers/clients will come to the office.

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

The proposed use conforms to the applicable regulations of the RR-2 zoning district. A limited family business is an allowable conditional use in the zoning district. The town's conditions (see recommended condition #23 below) allows one wall sign on the new building. This is consistent with zoning ordinance rules which allow for a wall sign in the RR-2 zoning district if the sign is associated with a use under an approved CUP.

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

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to Limited Family Business operations are most likely to involve noise, traffic, and storage of vehicles/equipment/materials. None of these issues are anticipated with the proposed business, being a quiet office operation with no customer traffic and no outdoor storage. The CUP application addresses how the potential nuisances are handled, as noted above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are other special requirements for limited family business operations:

- a) A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded. No limited family or rural business shall conflict with the purposes of the zoning district in which it is located.
- b) The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
- c) Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business.
- d) The conditional use permit holder may be restricted to a service-oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.
- e) The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.
- f) Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings. The design and size of the structures is subject to conditions set forth in the conditional use permit.
- g) Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
- h) The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

The proposal meets the above requirements, and some of these were made into conditions of the town's CUP approval.

TOWN ACTION: On November 11th, the town board approved the CUP with 12 conditions (see conditions #13-24 below).

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information summarized above, and is reflected in the town's approval.

If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing. Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above and (2) we recommend approval with the conditions below.

CUP 2646 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
11. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
12. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit.

Conditions specific to CUP # 2646:

13. Hours of business operation shall be primarily 7 am to 5 pm, with occasional evenings, nights, or weekends.
14. Number of employees is limited to one person, who must reside at the property. Any other employees that visit the property shall be limited to infrequent visits of short duration during the hours of 7 am to 5 pm and shall not exceed one person at a time.
15. Two external, downward facing lights are allowed on the new accessory building, so long as the light does not spill on to the neighboring properties.
16. Trash and recycling collection and bins for the business shall be limited to what is provided to the residence by the Town's contracted trash and recycling vendor.
17. All business-related materials must be stored indoors.
18. The sanitary for the bathroom in the accessory building must connect to sanitary system. Sanitary fixtures must be removed when the limited family business ceases to operate or the CUP terminates.
19. Human habitation is not allowed in the accessory building.
20. Customers or clients are not allowed to come to the property.

21. No storage of hazardous, toxic, or explosive materials may occur on site.
22. There may be no industrial or manufacturing uses on the property. Any water discharge to the ground must be composed entirely of storm water.
23. Signage is limited to one sign on a building and shall not be illuminated.
24. The CUP shall automatically expire on sale of the property or the business to an unrelated third party.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.