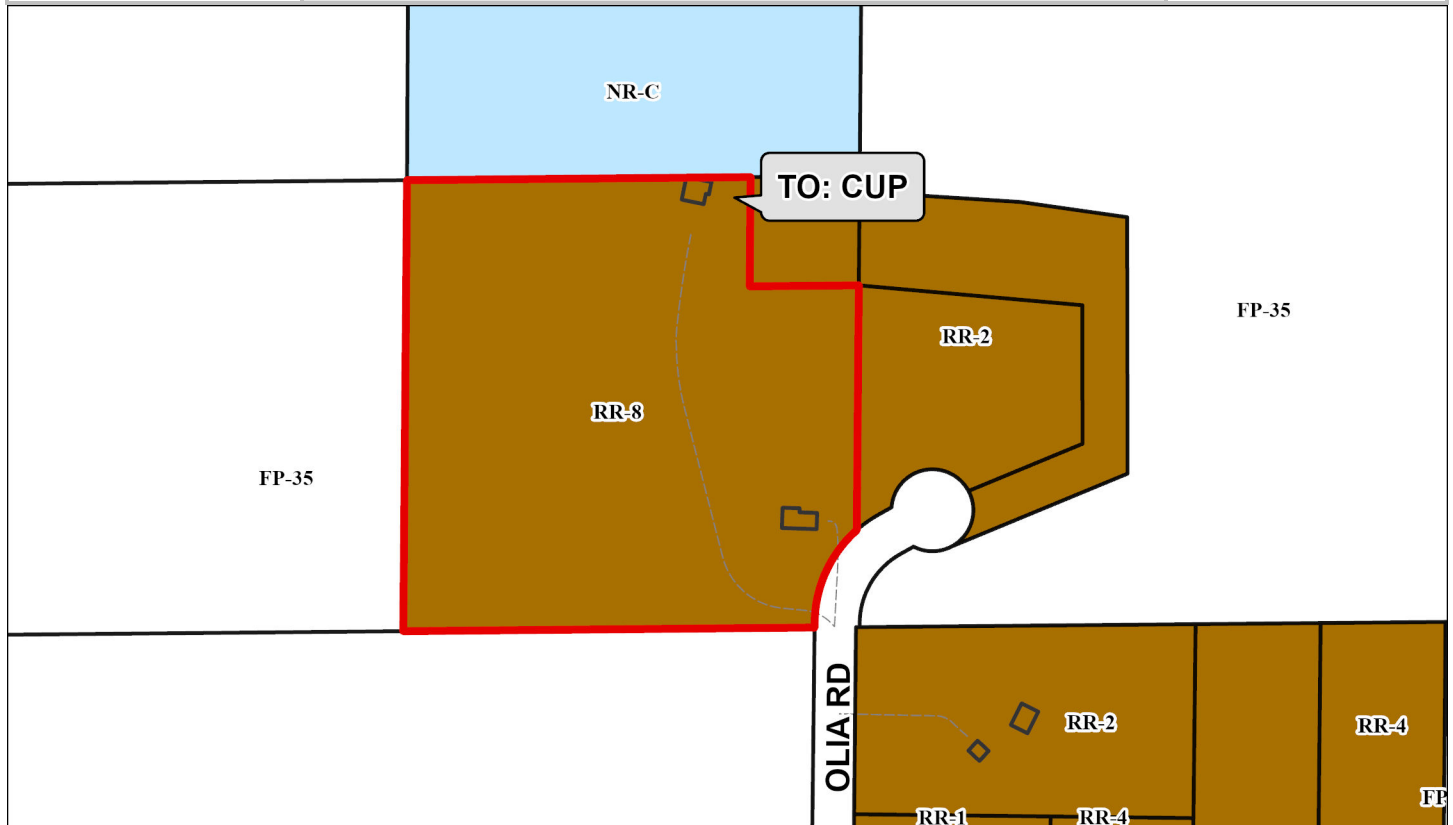


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> November 25, 2025		Conditional Use 02684
	<u>Zoning Amendment Requested:</u> TO CUP: Transient or tourist lodging (short-term rental)		<u>Town, Section:</u> CHRISTIANA, Section 8
	<u>Size:</u> 9.3 Acres	<u>Survey Required:</u>	<u>Applicant:</u> DENNIS KOPF
	<u>Reason for the request:</u> Transient or tourist lodging (short-term rental)		<u>Address:</u> 2771 OLIA ROAD



DESCRIPTION: Applicants request a conditional use permit (CUP) for “transient or tourist lodging” (short-term vacation rental) for an existing secondary home. The zoning petition was submitted as a means of addressing a zoning violation. A notice of violation was sent to the owner in August after a written complaint was received.

OBSERVATIONS/ FACTUAL INFORMATION: The property is in residential and open space use, is 9.3 acres in size, and is zoned RR-8 Rural Residential. The neighboring land uses are rural residential to the east and southeast, and agricultural / open space to the north, west and south.

Transient or tourist lodging is listed as an allowable conditional use in the RR-8 zoning district, if a conditional use permit is obtained. The applicants are proposing to rent to up to 6 guests, for rental periods that vary (may be more or less than 7 days).

RESOURCE PROTECTION: The property contains DNR-mapped wetlands in the northwest, which are part of a larger environmental corridor in this part of the township. No new development is proposed; staff has no further comment.

COMPREHENSIVE PLAN: The property is located in the town’s agricultural preservation area. Although the plan does not address short term vacation rentals, it is important to note that state law (Wis Stats 66.1014) includes protections allowing the short-term rental of residences for periods of 1 week or longer. Local governments may require a permit to be obtained, but may only limit rental use to periods of at least 6 months (either consecutive or non-consecutive) in any consecutive 365-day period.

Local governments may also enact licensing ordinances. The Town of Christiana has not yet enacted such an ordinance. Note that all short-term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health (a license application is currently pending for this property).

Based on the information provided in the application materials, the proposed conditional use appears reasonably consistent with comprehensive plan policies. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or allan.majid@danecounty.gov.

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 determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. 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 rental operations plan and house rules. The applicant states that he lives 35 minutes away and is able to keep watch over the property, has hired someone to help with property supervision and cleaning, that house rules forbid large gatherings and enforce quiet hours, and that the owner screens guests prior to booking to ensure the space will not be used for large parties. In addition, there is no planned construction, outdoor signage, or outdoor storage.

As noted above, all short term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health. The applicant is obtaining a PHMDC license.

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 applicants state that the home will be well kept and that guests must abide by house rules that include no blocking the street, keeping quiet hours, and there is a limit of 6 total guests. The property is secluded and allows for plenty of space for separation of guests from neighbors; at the same time, he states that the rental use would generate less traffic than if someone lived there full-time.

Some or all of these measures can be made into conditions of approval for the CUP; see town action and recommendations below. For example, limits on the number of guests and establishing quiet hours are commonly used to control noise, which is the most common concern that arises with short-term rentals. There are five homes within 1000 feet of the property, two of which are less than 500 feet away.

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.*

Applicants state that their guests will not impede the normal and orderly development and improvement of the surrounding properties, because the home is on a dead-end road and the rental use would not be different than if someone lived there full time.

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*. As noted above, this property and most of the surrounding properties are either in agricultural or open space use, much of that land contains undevelopable wetlands, and there are relatively few residences nearby. No exterior changes to the property are proposed in association with the proposed conditional use. This proposal is not expected to impede the development of the surrounding land.

4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.*

Applicant states the residence is adequately serviced by a road and utilities, and no modifications are needed. The utilities, access roads, drainage, and other improvements needed for the proposed use are comparable to those necessary for a single-family house that is not used for short-term rentals. According to permit records, the septic system serving the property is sized for 3 bedrooms / 6 adults. (Septic design capacity is based on residential code which requires 150 gallons/day, or 2 adults per bedroom.) If the owners ever wish to rent to more than 6 guests, the existing system would need to be evaluated by a licensed professional and upgraded to meet applicable code standards.

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 provided for the property by an existing driveway and attached garage. No changes are proposed. The property appears to provide parking for at least 3 vehicles, and guests must park off-street.

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-8 zoning district. Transient or tourist lodging is listed as an allowable conditional use in the zoning district.

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 concerns that pertain to short-term rentals are most likely to involve noise, vehicle traffic, and sanitary waste management. The CUP application addresses how these potential nuisances are handled as noted above. In addition, potential conditions of approval specific to this CUP can be developed after public input and deliberation by town and the ZLR Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for short-term rental operations.

TOWN ACTION: The Town Board has recommended approval of the CUP renewal with conditions to continue the owner's current limits on the number of guests, and restrictions on firearms, dirt bikes and dogs (see Town Action Report and the staff Recommendations section 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 in the sections above, and is also reflected in the town's approval and conditions. 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 listed below. The conditions below reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs, and the town approved conditions.

CUP 2684 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 (none).
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 # 2684:

13. The number of rental guests shall be limited to six (6) on site at a time.
14. Firearm use is prohibited on site, in association with the rental operation.
15. Dirt bike use is prohibited on site, in association with the rental operation.
16. No dogs shall be allowed outside the fenced area in the back yard, unless the animal is on a leash.

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