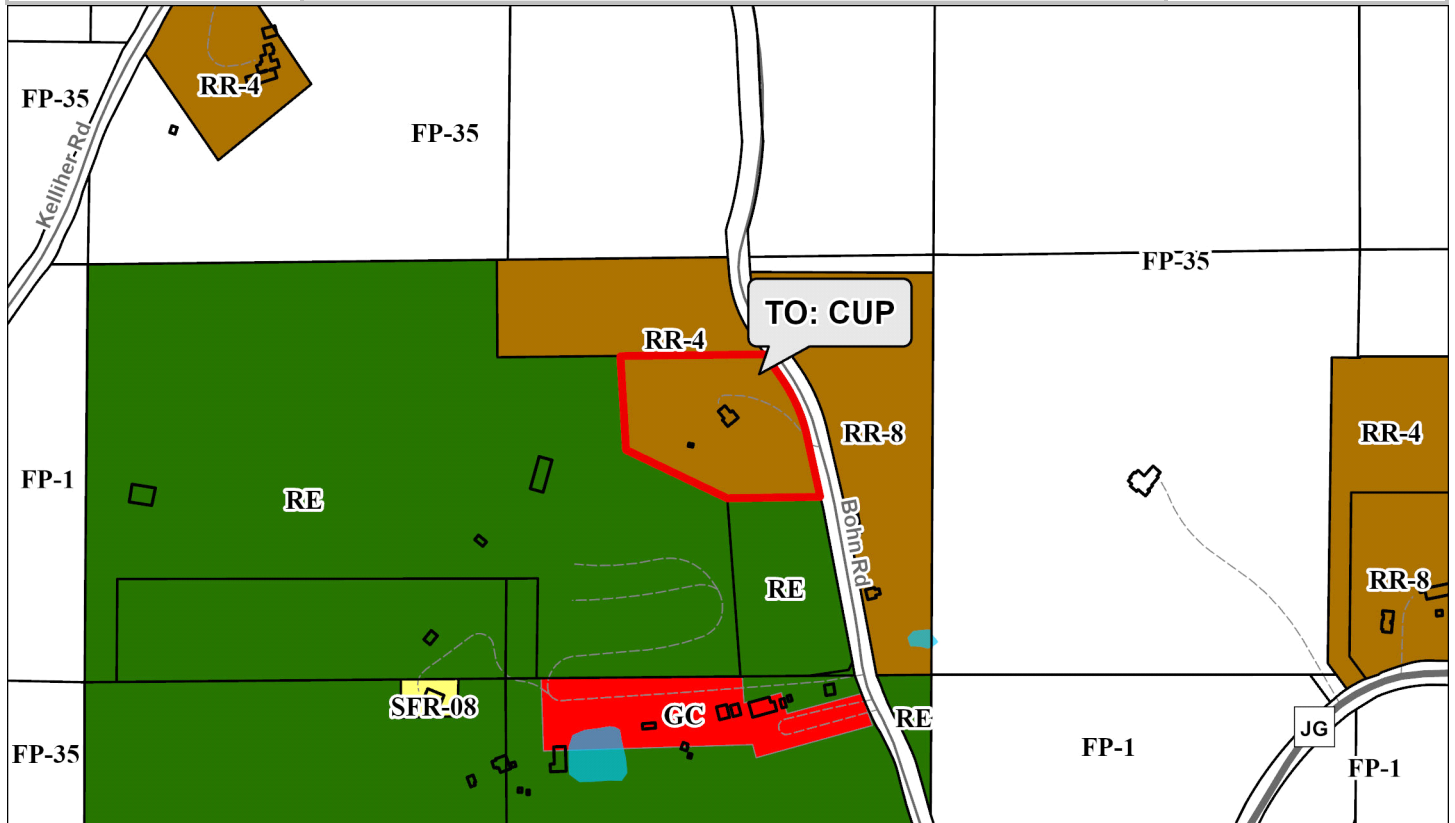


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> July 28, 2026		Conditional Use 02713
	<u>Zoning Amendment Requested:</u> TO CUP: TRANSIENT OR TOURIST LODGING		<u>Town, Section:</u> VERMONT, Section 28
	<u>Size:</u> 5 Acres	<u>Survey Required:</u>	<u>Applicant:</u> NATHANIEL T MCGREE
	<u>Reason for the request:</u> TRANSIENT OR TOURIST LODGING		<u>Address:</u> 3511 BOHN ROAD



DESCRIPTION: Applicant requests a Conditional Use Permit (CUP) for transient or tourist lodging, to use his existing home adjacent to Tyrol Basin for short-term rentals.

OBSERVATIONS/FACTUAL INFORMATION: The property is in residential use and is five acres in size. The neighboring lands are in rural residential use to the north and east across Bohn Road (with the property across the road being a short-term rental / bed and breakfast operation), and agricultural lands further to the north and east. To the west and south is Tyrol Basin, a popular regional skiing destination that is owned by the applicant and hosts activities throughout the year.

Transient or tourist lodging an allowable conditional use in the RR-4 zoning district. The proposed use and the existing site and are in compliance with county ordinances, including lot size, public road frontage, building setbacks, and lot coverage by buildings.

RESOURCE PROTECTION: No sensitive environmental resources exist within 300 feet of the subject property.

COMPREHENSIVE PLAN: This petition is consistent with the goals, objectives of policies related to non-farm transient or tourist lodging That Town plan does not prohibit or prescribe additional policies specific to this land use. For questions about the plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or VanBelleghem.Bridgit@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 a very simple use of the existing residence for the housing of up to 8 short-term guests. There is only one house within 1000 feet of the proposed rental home, and none within 500 feet.

- 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.***

Much of the surrounding land is owned and operated as part of the Tyrol Basin Ski Area and the proposed use is a compatible use. The property across the street contains a short-term rental bed and breakfast.

- 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 there are no concerns with the neighbors because he is the owner of the surrounding properties. The proposed use does not involve changes to the property that would affect any surrounding lands.

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

All required utilities and access are already in place, no changes are needed or proposed. The existing septic system is designed for four bedrooms (8 individuals) and records are on file with Public Health Department. The Sanitarian notes that if additions or remodeling add 25% more living space or additional bedrooms, it may require building permit review by their department.

- 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.***

There is adequate space for up to 6 cars to park on site. The existing driveway is over 600 feet long and provides access to both Tyrol Basin and the public road.

- 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 rural residential zoning district. Transient or tourist lodging is an allowable conditional use in the zoning district. The Zoning Division has not received complaints regarding the use of the property, or other short-term rentals owned by the applicant.

- 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 and maintains the rural character of the area.

- 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 transient or tourist lodging operations most likely involve neighborhood disturbance and sanitary management. The applicant’s CUP application addresses how these 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 no other special requirements for transient or tourist lodging operations.

TOWN ACTION: The town recommends approval with no conditions.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the limited scale of the rental operation, the lack of immediate neighbors within 500 feet, the information summarized above, and is also reflected in the town's approval with no conditions. If the Committee requires additional information on which to base a decision, they could request specific information 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 2713 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 this CUP:

13. Maximum guests shall not exceed 8 persons.
14. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.

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