
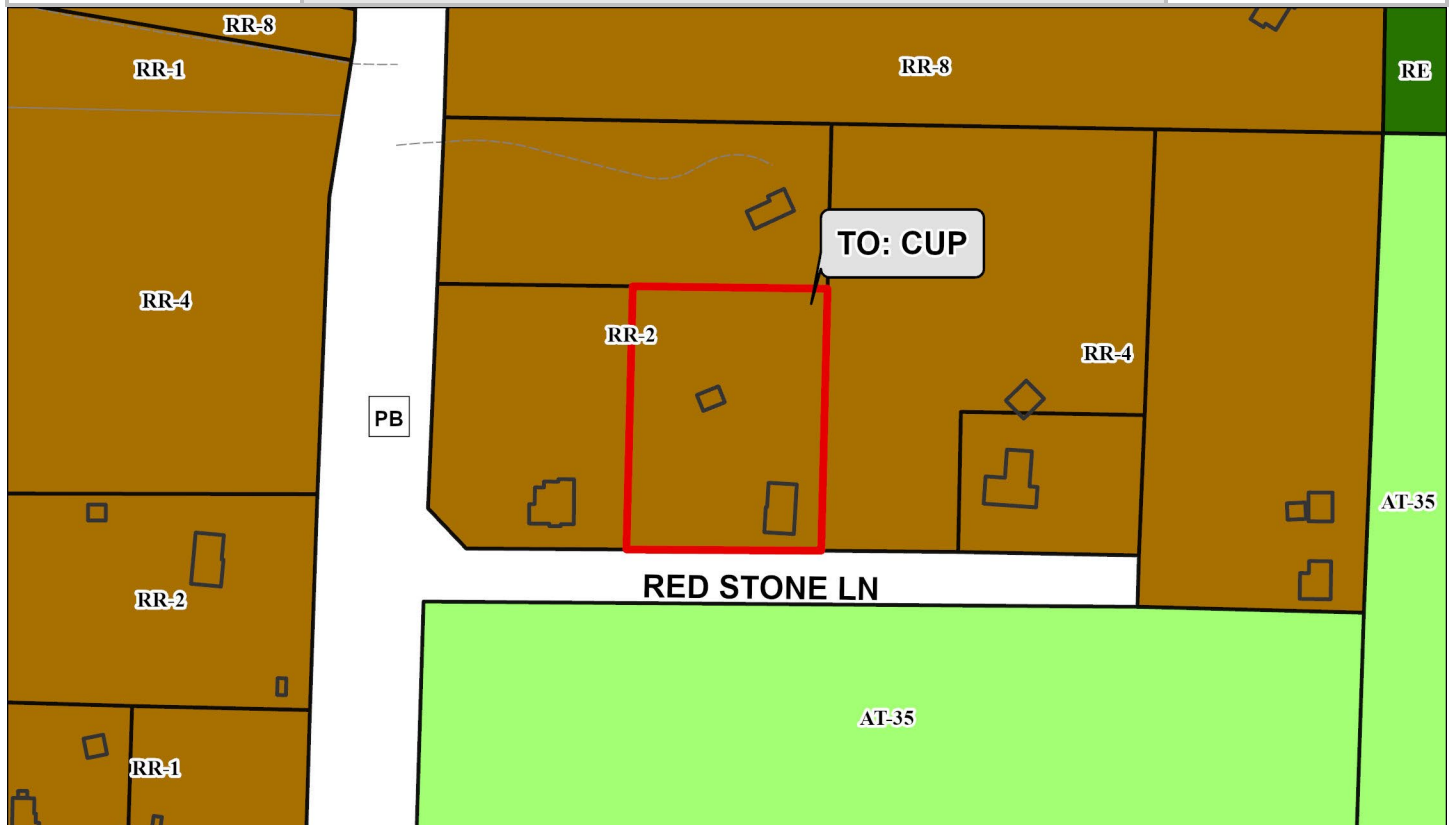


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> August 26, 2025		Conditional Use 02670
	<u>Zoning Amendment Requested:</u> TO CUP: Limited Family Business - Jewelry Manufacturing		<u>Town, Section:</u> VERONA, Section 35
	<u>Size:</u> 2 Acres	<u>Survey Required:</u>	<u>Applicant:</u> GEORGE TIMBERLAKE
	<u>Reason for the request:</u> Limited Family Business - Jewelry Manufacturing		<u>Address:</u> 6712 RED STONE LANE



DESCRIPTION: Applicant requests a conditional use permit (CUP) for a Limited Family Business, in order to operate a jewelry manufacturing business from the two-acre property at 6712 Red Stone Lane. George Timberlake is the resident owner and sole employee of the business, making custom rings from precious metals and gemstones. The business is run online and at arts and crafts shows throughout the country. Clients very rarely visit the business since most are from other states or countries.

OBSERVATIONS/FACTUAL INFORMATION: The property is in residential use and is two acres in size. The neighboring land uses are rural residential to the north, east and west, and agricultural to the south. The property is located on a dead-end town road. A limited family business is listed as an allowable conditional use in the RR-2 zoning district.

RESOURCE PROTECTION: The property is subject to shoreland zoning due to a stream that runs through the southwest corner. Both a Shoreland Zoning Permit and Shoreland Erosion Control Permit will be required prior to the driveway extension work.

COMPREHENSIVE PLAN: The property is located in the town's rural residential planning area. There are no specific policies that address this particular type of request. This use appears as though it would not conflict with neighboring agricultural or residential land uses. The Town plan looks to mitigate impacts such as increased traffic, noise and lighting. As these impacts are either non-applicable or minimal, this use would be considered consistent with the Town plan. For questions about the town 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 the proposed operations plan. The applicant states that he is the sole owner/operator of the business, it will not be open to the public, and no additional traffic is anticipated. Jewelry making is quiet, clean, poses no threat to the public, and he conducts business online and at art shows off-site. He notes that small quantities (1 liter each, maximum) of strong acids and bases would be stored in glass or plastic containers in closed and lockable cabinets. He will keep a fire extinguisher, as well as baking soda and vinegar for neutralizing the chemicals.

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 the building is across the street from a cornfield to the south, is separated from the neighbors to the east and west by trees, and is 200 feet away from the neighbor to the north. He notes that there is occasional noise when hammering metal by hand, but it will not be audible outside the building. There is very little dust or odors, and no soot or runoff associated with jewelry making. He would use a ductless fume and particulate extraction units with complex filtering, to handle any dust or fumes produced.

See Resource Protection comments above regarding the permits needed for the driveway extension.

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.*

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*. The applicant states that the conditional use could not impede normal development of any of the adjacent properties. Staff concurs. This property and most of the surrounding properties are already developed with a mix of rural residences and agriculture, with Rural Residential or Agriculture Transition zoning.

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

The utilities, access roads, drainage, and other improvements needed for the proposed use are largely in place, but further improvements are required. The applicant states that he would insulate the building, add water and septic connections, install a bathroom, improve electrical and lighting, and extend the driveway to the building with the shop. The zoning ordinance allows sanitary fixtures in accessory buildings if needed for an approved conditional use; however, the fixtures must be removed upon either the expiration of the permit or when the business ceases to operate.

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.*

The property is served by an existing driveway, which extends over 65 feet into the property now and would be extended roughly 130 feet to the existing building. The applicant states that at most there may be 4 to 5 client visits per year.

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 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 nuisances that pertain to limited family business operations can tend to involve noise, traffic, or material storage. 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 Town and 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 these requirements, and some are included as recommended permit conditions (see below).

TOWN ACTION: The Town Board has recommended approval of the conditional use with no special 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 fact that the business has almost no customer or employee traffic, involves small-scale and relatively clean activities taking place entirely indoors, with a building that will be improved for insulation and ventilation, and the proposal has received 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 listed below. The conditions below reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs.

CUP 2670 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 # 2670:

13. 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.
14. Human habitation is not allowed in the accessory building.
15. The conditional use shall automatically expire upon sale of the property or 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.