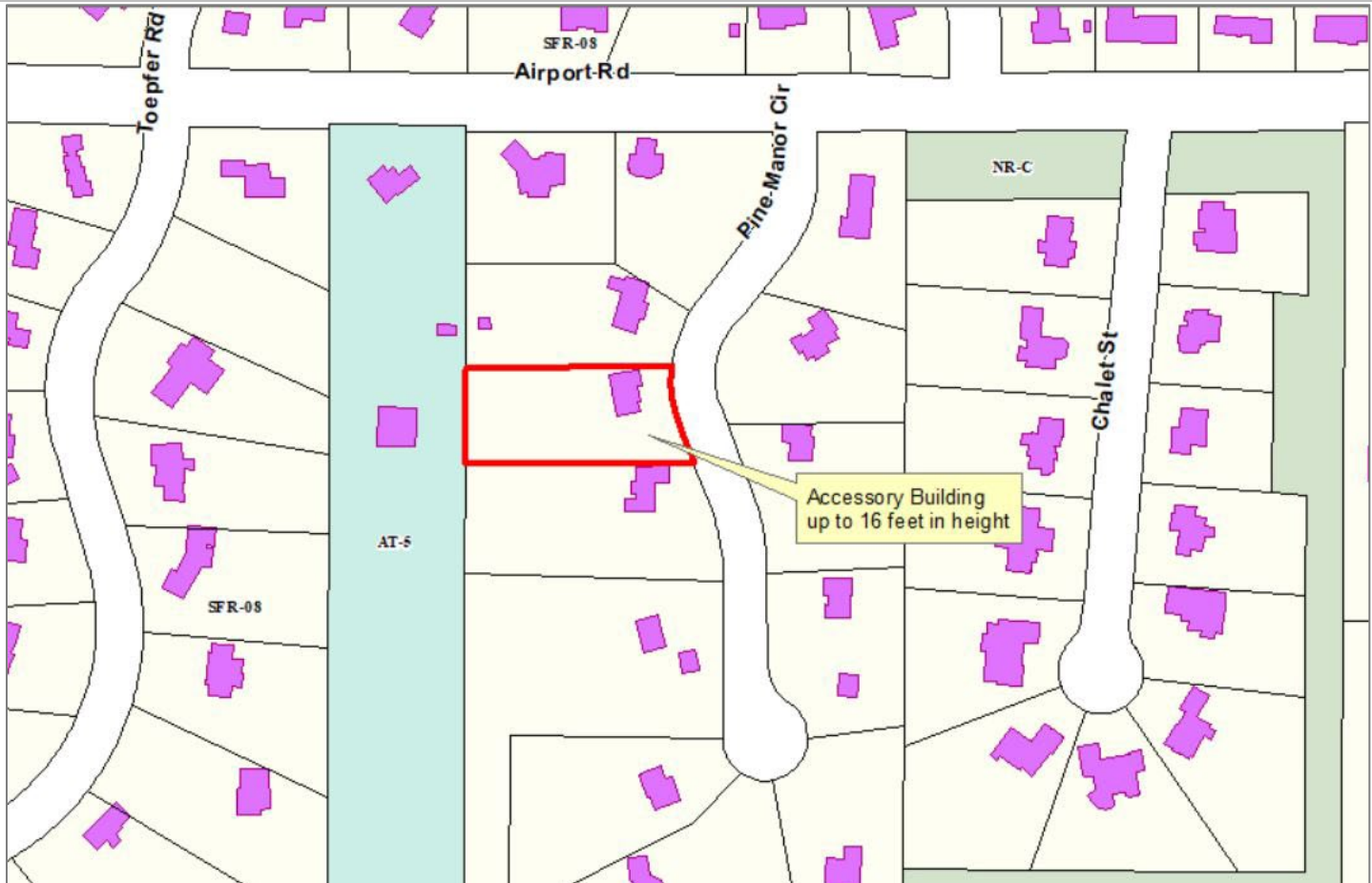


Staff Report**Zoning & Land
Regulation
Committee**Public Hearing: **April 22, 2025**Zoning Amendment Requested:**TO CUP: C.U.P. for accessory building over 12 feet in average height**Size: **1 Acres**Survey Required:Reason for the request:**C.U.P. for accessory building over 12 feet in average height****Conditional Use 02658**Town, Section:**MIDDLETON, Section 6**Applicant:**PAUL AND JESSICA
SCHROEDER**Address:**4653 PINE MANOR CIR**

DESCRIPTION: Applicant Paul Schroeder requests a conditional use permit (CUP) to allow for construction of a new garage (a residential accessory building) that is taller than 12 feet in average height. A garage with average 14.5-foot height is proposed.

OBSERVATIONS: The property is a residential lot one acre in size. The neighboring land uses are other similar residential lots to the north, east and south, and a larger rural lot abutting to the west. The property is located in Pine Manor Estates, a residential subdivision.

The property is zoned SFR-08 Single Family Residential. This zoning district allows for accessory buildings up to 12 feet in height, and allows them up to 16 feet in height with approval of a CUP. In the zoning ordinance, building height is measured as the average height between the building peak and eave in relation to the finished ground level.

COMPREHENSIVE PLAN: Town plan is in favor of residential lands use but silent on this specific area. For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@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 applicant states that the request is for the construction of a 2-car detached garage which will not be detrimental or endanger the public safety, comfort, or general welfare.

- 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 custom built garage will improve the aesthetics of the property and neighborhood. It will be built by a builder with over 22 years of experience in designing/building. They have also indicated that lighting will primarily be from recessed cans in the soffit, and coach/lantern lights near the garage doors, which will ensure safe access/egress and will all be lower-lumen lighting. In addition, they have shared a letter (email) in support from the neighbor next door to the south.

- 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 homes on this street and entire area are single family homes, that detached residential garages are common in the neighborhood and surrounding area, and there are two other homes on Pine Manor circle with 2-car detached garages.

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 proposed garage is not expected to impact the improvement or development of surrounding properties

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

The applicant states that MG&E has already re-routed power to the home that originally ran underground where the garage will be built. The site improvements needed for the proposed use are already in place.

- 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 applicant states that in 2018 the driveway was designed and constructed specifically for the future addition of a 2-car garage.

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

The proposed use and building plans conform to the regulations of the SFR-08 zoning district. A garage of this height is presumed to be compatible with other uses in the district, as long as the CUP standards are satisfied.

- 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 a building height request such as this most likely involve visual impacts to neighboring properties. The applicant's CUP application provides information to address how these potential impacts 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 ZLR Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements.

TOWN ACTION: On April 14th the Town Board approved the CUP with conditions (see Town Action Report and recommended conditions below). The town notes the following:

- The Town finds that the proposed conditional use is consistent with the adopted Town Comprehensive Plan;
- The Town finds that the proposal meets the general standards for conditional use permits per Dane County Ordinances 10.101(7)(h)(1);
- The CUP is granted subject to all standard conditions specified in Dane County Zoning Ordinance Section 10.101(7)(h)(2) (page 10-26 of Dane County Zoning Ordinance).

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 outlined above, the proposed building plans, and is also 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 above, and (2) we recommend approval with the conditions below.

CUP 2658 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 # 2658:

13. All Town Ordinances shall be complied with during the life of the CUP.
14. The Conditional Use approval is limited to tax parcel 0708-064-2534-5, also known as 4653 Pine Manor Circle.
15. The Town specifies the following:
 - a. The outdoor lighting is acceptable as proposed.
 - b. The proposed two-car detached garage being 31.4 ft from the front property line is acceptable.
 - c. The accessory structure's maximum 19.5' height and median roof height of 14.5' is acceptable.
 - d. A driveway permit shall be required from the Town of Middleton to construct the driveway as proposed.

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