

Staff Report



Zoning & Land Regulation Committee

Public Hearing: **June 23, 2026**

Zoning Amendment Requested:

TO CUP: LIMITED FAMILY BUSINESS - AGRICULTURAL TOURS AND WORKSHOPS

Size: **3 Acres**

Survey Required:

Reason for the request:

LIMITED FAMILY BUSINESS - AGRICULTURAL TOURS AND WORKSHOPS

Conditional Use 02711

Town, Section:

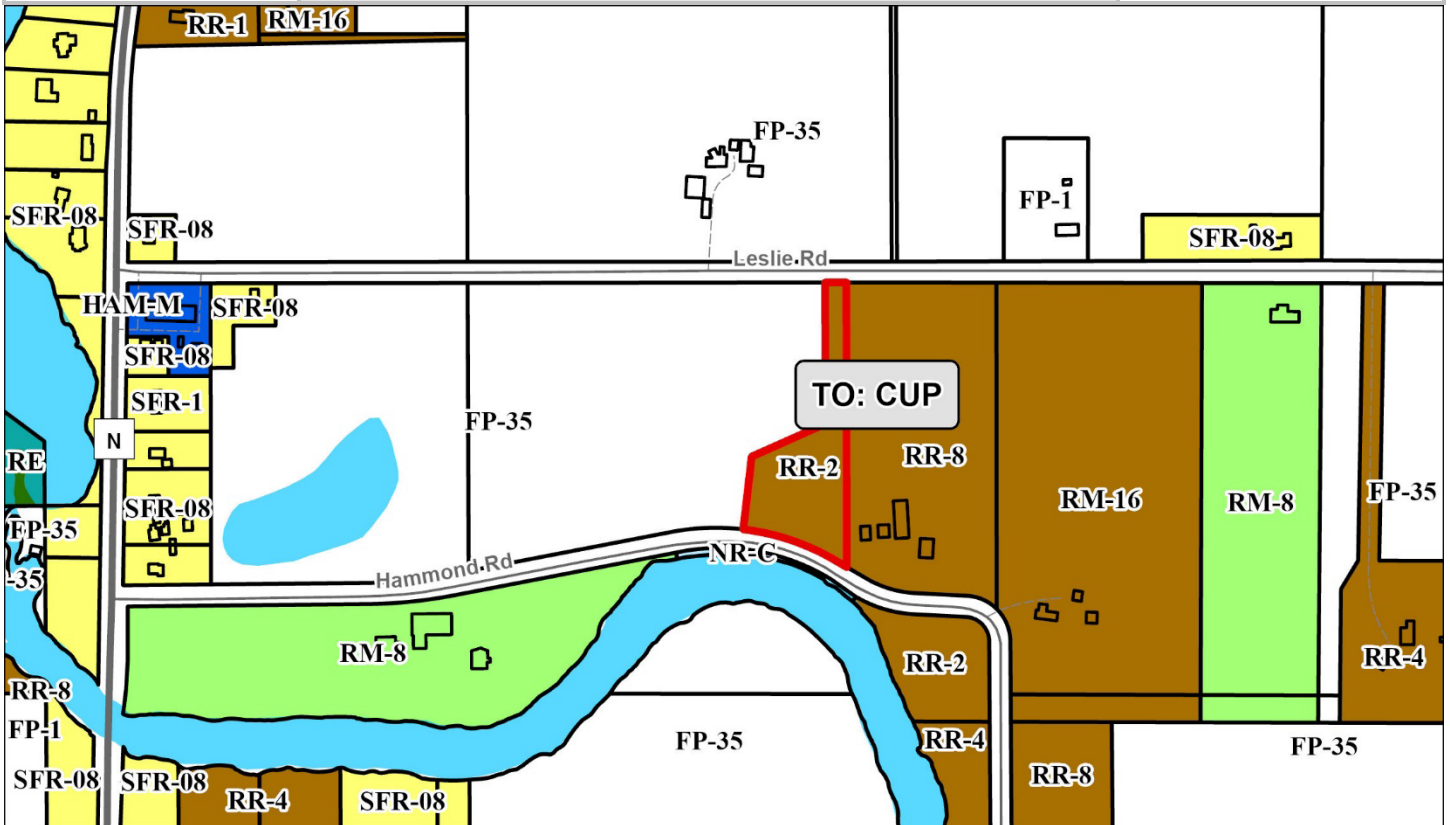
DUNKIRK, Section 21

Applicant:

**ELAINE A HODGSON
DECLARATION OF TRUST**

Address:

2525 LESLIE RD



DESCRIPTION: Elaine Hodgson requests a conditional use permit (CUP) for a limited family business, to host seminars and educational tours as part of an organic agricultural enterprise with renewable energy sources. The owner would host small groups (up to 20 people) in the accessory “studio” building and greenhouse, and invite guest speakers to show how natural energy sources are used to power and heat/cool the home and accessory buildings.

The studio building is a 1,246 SF residential accessory building with 432 SF upper loft space. The greenhouse building is a 351 SF structure. Zoning permits were issued for their construction earlier this year, but without an allowance for sanitary fixtures or connections to the septic system. To install geothermal in the building would require a connection to a sanitary system. The geothermal is already in place for the applicant’s house, but cannot be connected to the other buildings unless part of an approved conditional use.

OBSERVATIONS/ FACTUAL INFORMATION: The property is in rural residential use and is three acres in size. The neighboring land uses are agricultural use and zoning to the west, north and south, with the Yahara River adjacent to the south, and rural residential or mixed residential/agricultural use to the east. A limited family business is listed as an allowable conditional use in the RR zoning districts.

The application references the other lands she owns to west of the residential lot. Those lands are zoned FP-35 and thus are not eligible to be part of the limited family business / conditional use; however, they are related to it in providing for the applicant’s agricultural production. The FP-35 zoning district allows for agricultural uses, and agricultural entertainment activities or special events under 10 days per calendar year (which may include incidental preparation and sale of beverages and food). A CUP would be required to have events for 10 or more days per year on that land.

RESOURCE PROTECTION: Property has some shoreland on it due to being in proximity to a perennial stream that runs N to S from Leslie Road to the Yahara River. Proposed use will be within fully permitted structures that comply with shoreland regulations.

COMPREHENSIVE PLAN: This petition is in the town's agricultural preservation planning area and is subject to the land use policies related to that designation. Town plan goals, objectives, and policies are generally supportive of agriculturally related enterprises. Based on the size and location of the property, and relatively low impact use that aligns with town plan efforts at preserving agricultural uses and enterprises, the proposal appears reasonably consistent with the comprehensive plan.

For questions about the comprehensive plan, 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 operations plan. The applicant states that the formation of a self-sustaining, organic, small-scale garden will not be detrimental to or endanger public health, safety, comfort, or general welfare. She hopes to create a beautiful space that produces food for family and food banks, and to host seminars and events that enhance public health and 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.*

Applicant states that there should be no impact to the enjoyment of other property in the neighborhood. As noted above, the site is 3 acres and the surrounding lands contain a mix of agricultural and rural residential use. The buildings will be constructed on site whether or not the proposed conditional use is approved. The studio building will contain a tool / workshop area on the lower level and space for seminars in the upper loft; the additional of sanitary fixtures for a sink and toilet will add value and enable the seminars/events.

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 small farm enterprise and the seminars/events should not impede any development of the surrounding properties. Staff believes the proposed use would complement the surrounding properties which are zoned for large-lot rural residential or farmland preservation use.

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

The applicant states that the proposed use will piggyback on top of the utilities already contemplated for the construction of the residence. The utilities, access roads, drainage, and other improvements needed for the proposed use are already being installed; approval of this CUP would enable the accessory buildings to connect to the sanitary system also.

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 along a driveway roughly 550 feet long (see 21 parking spaces shown on site plans). Grass surfacing is allowed for seasonal parking, which is limited to a period of six months per year, or related to a unique or annually occurring event or condition of limited duration.

The applicant states that the seminars/events will be limited to 20 people and parking will all be contained within the driveway on site. She may potentially hire one part-time employee to help tend the garden and greenhouse. Limited family businesses are required to have 1 parking space per 1.3 employees, plus 1 per anticipated customer at peak; parking is adequate.

Dane County Highway estimates this land use will generate 40 trips per day.

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 proposed RR-2 zoning district. A limited family business is an allowable conditional use in the district. As noted above, zoning permits have already been issued for the buildings, but without an allowance for sanitary connections which is now being requested. Shoreland zoning requirements were addressed as part of the previous zoning permit process.

The application states they may want a sign at the driveway entrance, and if they do it would comply with the regulations. Limited family business signs are limited to a maximum of two on-premise signs which may be:

- (a) One wall sign shall be limited to a maximum size of 12 square feet erected to a height not to exceed 8 feet. Such sign shall be located on the building in which the business advertised on the sign is located.
- (b) One ground sign shall be a driveway entrance sign limited to a maximum size of 16 square feet and a maximum height of 8 feet.

All signs are subject to a zoning permit and general signage regulations found in subchapter II of DCCO Chapter 10.

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, specifically with agricultural tours and workshops, most likely involve parking and access for visiting guests. 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 special requirements for limited family businesses.

- (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 CUP shall automatically expire on sale of the property or the business to an unrelated third party.*

Typically, some of these requirements are listed as conditions on the approved conditional use permit. See staff recommendations below.

TOWN ACTION: Town Board recommends approval of the limited family business, and also supports allowing sanitary fixtures in the accessory building, along with geo-thermal heating and cooling systems for the building and a future greenhouse. Town Action Report notes these allowances are considered appropriate for serving guests of the limited family business, and the proposed fixtures would remain consistent with the intended use and would not violate the terms or conditions of the CUP as recommended. The town also relayed petitions of support from neighbors along with the Town Board Action Report.

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, specifically the low number of guests and the provision of adequate parking, and these findings are 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 2711 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 this CUP:

13. Sanitary fixtures to serve the limited family business use may be installed, but shall be removed upon expiration of the conditional use permit or abandonment of the limited family business.
14. 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.
15. The conditional use permit 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.