

**Staff Report**

**Zoning & Land  
Regulation  
Committee**

Public Hearing: **September 16, 2025**

Zoning Amendment Requested:

**TO CUP: Limited Family Business (Tattoo Parlor)**

Size: **2.42 Acres**

Survey Required:

Reason for the request:

**Limited Family Business (Tattoo Parlor)**

**Conditional Use 02674**

Town, Section:

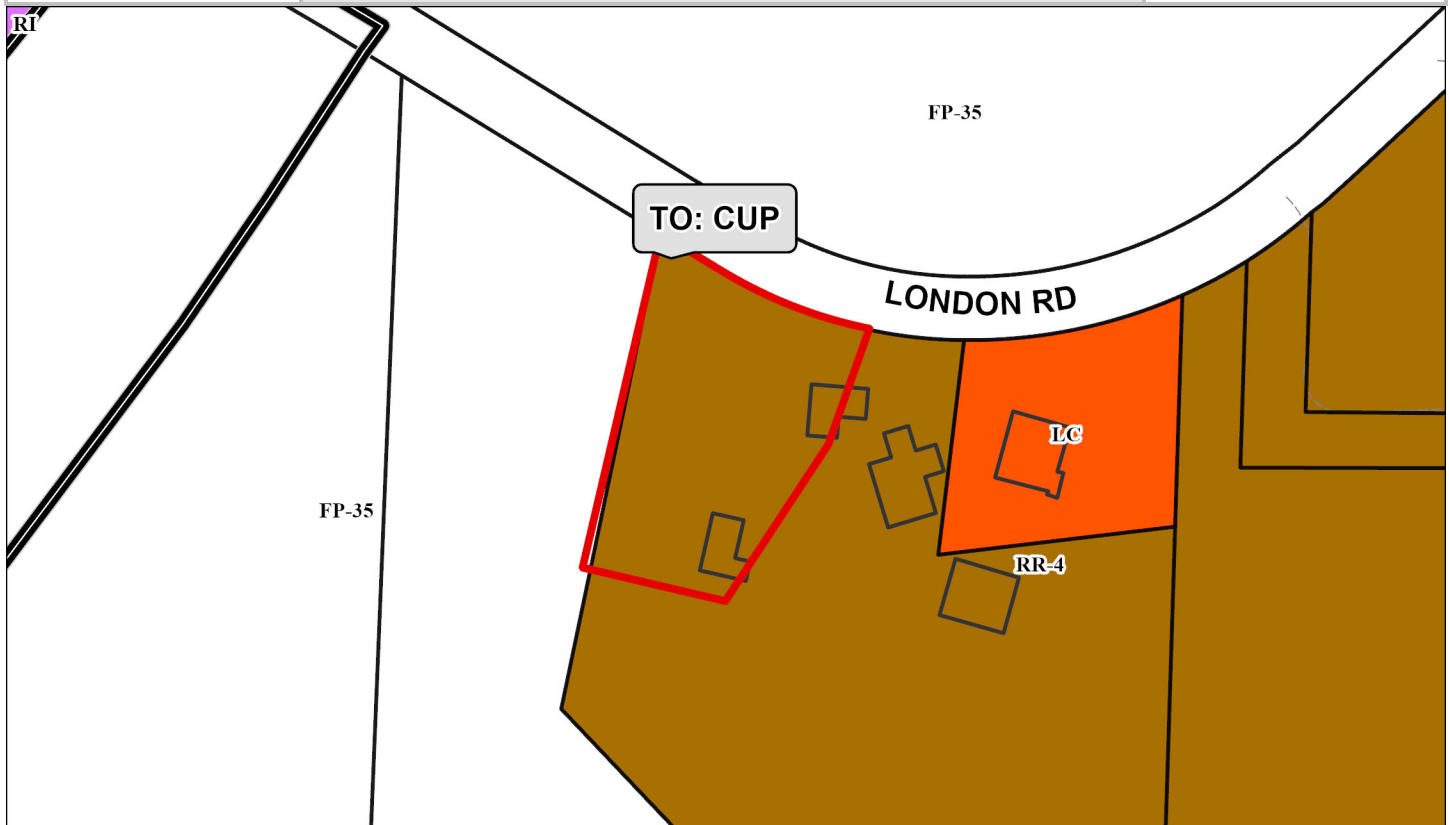
**DEERFIELD, Section 27**

Applicant:

**DENNIS AND BEVERLY  
SMITHBACK**

Address:

**575 LONDON RD**



**DESCRIPTION:** Dennis Smithback requests a conditional use permit (CUP) for a Limited Family Business to operate a tattoo business from an accessory building on his residential property at 575 London Road. His daughter Alex would be the sole employee/operator of the shop. The shop would be located in a 45'x20' portion of the shed building in the southwest corner of the property, which already contains sanitary fixtures. No changes to the building or current driveway and parking areas is proposed.

**OBSERVATIONS:** There is an existing CUP (#2267) on the property, which was a 2013 update to the first permit, CUP #2037 from 2007 for the gun shop. The updated CUP #2267 was for the gun shop and a new indoor shooting range that was planned but never constructed. The proposed CUP would be for a separate limited business from the gun shop and in a different building.

There are two septic systems on the property, however Dane County Environmental Health only has a permit for the septic attached to the house. The septic that is connected to the accessory building and would be used for the limited family business does not have a permit and there is no record at Environmental Health on when this septic was installed. This septic system may need to be inspected and permitted by Environmental Health.

The applicant may want to get another rural fire number for the new business, if they would like one.

**RESOURCE PROTECTION:** Property is subject to shoreland zoning, and the western edge is within the floodplain. However, no new construction is proposed with this petition.

**COMPREHENSIVE PLAN:** In general, the Town of Deerfield Plan promotes “home-based businesses, cottage industries, and professional services in the Town to supplement household income, particularly for farm families”. The Plan also supports these types of businesses where there “will be no impact on surrounding properties or the integrity of farming”. The tattoo parlor would be within an existing building, so no new development would be required. Setting hours of operation as a condition will also limit impacts on neighbors. Since this is a Conditional Use Permit within an existing zoning district, no rezone is necessary, however if the operation were to expand in size or scope, the business may need to locate elsewhere in order to meet zoning requirements and Comprehensive Plan goals. The Conditional Use application appears to be reasonably consistent with the policies listed in the Comprehensive Plan. For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or [Kollenbroich.Benjamin@danecounty.gov](mailto:Kollenbroich.Benjamin@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 CUP will not endanger the neighbors as the majority of the land around the business is farmland.

***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 current business and future tattoo business will not bring any damages to the surrounding areas.

***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 business will be on their own land, and the surrounding area is farmland and wetlands.

There are three homes (including the home on the property) within 1,000 feet of the proposed CUP area. The applicant and his family all live within this radius. As noted in the application, this same property already has a limited family business CUP for a firearms dealership.

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

The applicant states that the access road will be the existing driveway and parking area. The application states that the existing building for the tattoo parlor has a restroom, running water, and its own septic system. The site plan depicts the two septic systems (one for the house, and one for the outbuilding for the proposed tattoo business). However, Dane County Environmental Health only has a permit for one septic on this property, which serves the house. The applicant will need to obtain a permit for a second septic system. Additionally, the sanitary fixtures and septic system may need to be removed/capped once the limited family business ceases to exist, to comply with zoning restrictions on septic systems in accessory residential buildings.

***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 the parking area and driveway on the property. The applicant anticipates 20 to 50 vehicle trips/cars per week.

**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-4 zoning district. Limited family business is an allowable conditional use in the RR-4 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 nuisances that pertain to limited family business operations most likely involve noise, traffic, and storage of vehicles/equipment/materials. Traffic and noise are not expected to be an issue with this CUP due to the relatively limited size of the operation, and that the business will be indoors. The operation will generate some additional traffic, but there is already an existing limited family business here, so it will likely blend in with traffic generated from this business. 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 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:** On July 14<sup>th</sup> the Town Board recommended approval with no special conditions.

**STAFF RECOMMENDATION:** Staff believes that the applicant has likely provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the fact that all business would take place indoors, the only worker is the tattoo artist, and that this area already has a limited family business run by the same family members as the tattooist.

However, because the septic has not yet been verified or a permit obtained from Environmental Health, this should be done before the CUP petition is approved. Public Health is aware of the situation, but Planning & Development staff

have not yet heard if the septic needs to be permitted or inspected. At this time, staff recommends postponement to allow for Environmental Health more time to look into the accessory building's septic system.

If postponement is not preferred by ZLR, 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.

***CUP 2674 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 # 2674:*

13. The business shall be limited to a tattoo parlor.
14. Hours of operation shall be from 8 am to 10 pm
15. The parking of vehicles is prohibited on London Road.
16. Before operating, the tattoo parlor shall obtain all necessary permits and licenses from Dane County Public Health and the State of Wisconsin.

17. The sanitary for the bathroom in the accessory building must connect to an approved/permitted sanitary system. Sanitary fixtures must be removed when the limited family business ceases to operate or the CUP terminates.
18. The tattoo parlor shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
19. Human habitation is not allowed in the accessory building.
20. Any sign for the tattoo parlor must be unlit and comply with section 10.800 of Dane County Ordinances.
21. The conditional use permit shall become null and void upon the sale of the property or the tattoo business to an unrelated third party.

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