
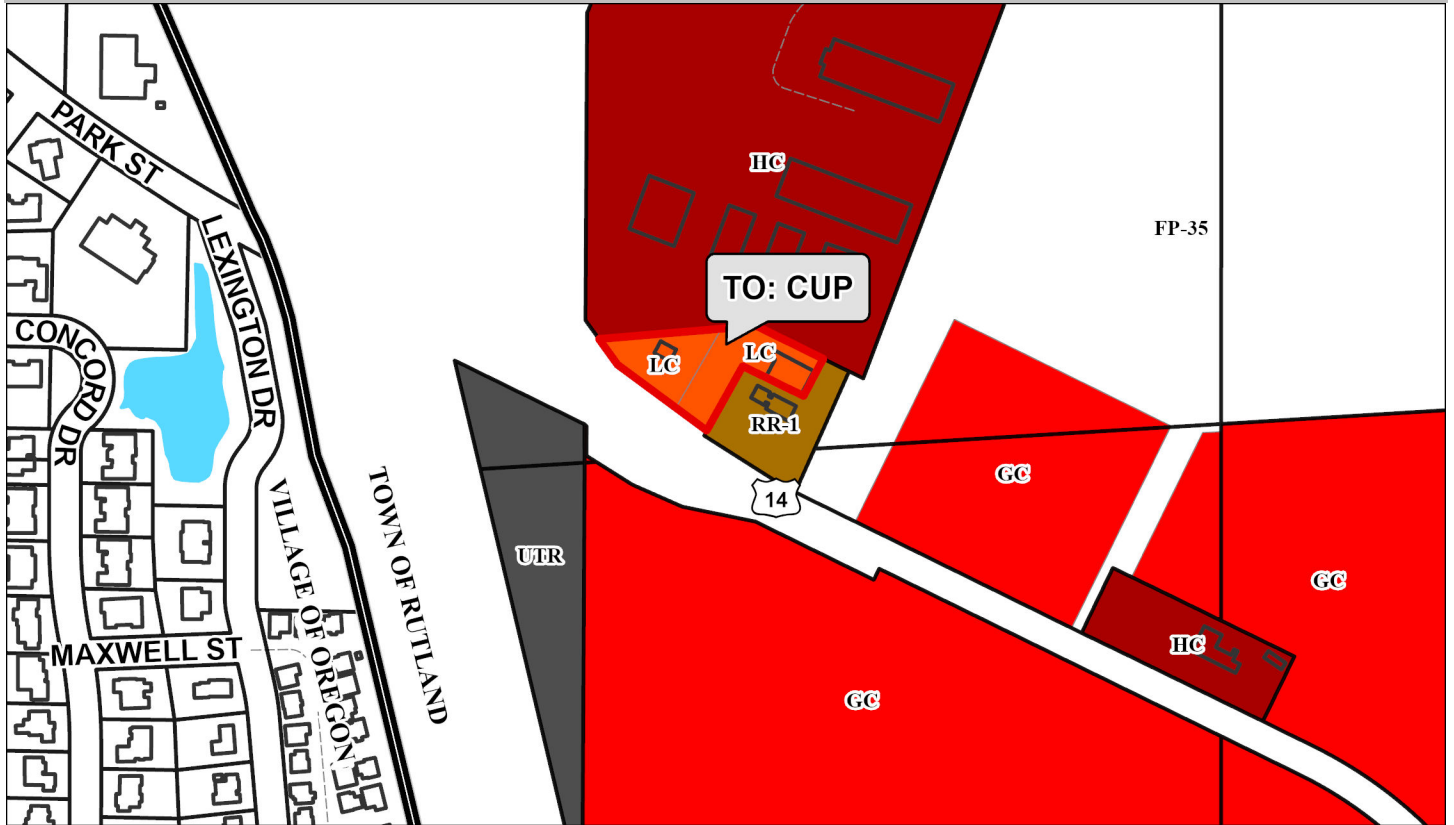


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| Staff Report  Zoning & Land Regulation Committee | <i>Public Hearing:</i> May 26, 2026 | Conditional Use 02706 |
| | <i>Zoning Amendment Requested:</i> TO CUP: CARETAKER'S RESIDENCE IN THE LC ZONING DISTRICT | <i>Town, Section:</i> RUTLAND, Section 7 |
| | <i>Size:</i> 1.2 Acres | <i>Survey Required:</i> |
| | <i>Reason for the request:</i> CARETAKER'S RESIDENCE IN THE LC ZONING DISTRICT | <i>Applicant:</i> JS ZIEGLER TR (JOHN ZIEGLER) |
| | | <i>Address:</i> 1256 STATE HIGHWAY 14 |



DESCRIPTION: Applicant requests approval of a conditional use permit (CUP) for a caretaker’s residence in the LC Limited Commercial district, which is the site of Ziegler Crane Service. A prior caretaker’s residence was demolished 2 years ago, rendering the previous [CUP #2534](#) null and void (CUPs become invalid if/when the use ceases for a year or more).

OBSERVATIONS / FACTUAL INFORMATION: Neighboring land uses include the owner’s commercial building and another family member’s residence located on the adjoining RR-1 zoned parcel. The commercially zoned property to the north is used for mini-warehouses and outdoor storage of boats and recreational vehicles. No sensitive environmental features observed. Note that a deed restriction on the existing SFR-08 and LC parcels prevents the separate sale of either parcel. There is also a deed restriction limiting commercial uses on the existing LC zoned parcel to “inside storage of business equipment only”.

COMPREHENSIVE PLAN: This petition is in the town’s commercial planning area and is subject to the land use policies related to that designation. Relevant comp plan policies support the retention of small, family run businesses. No net change in previous density will result from the requested permit. Staff believes the proposal is consistent with the comprehensive plan.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

RESOURCE PROTECTION: No resource protection or other sensitive environmental areas located on or near the property.

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 brief summary of the relevant facts.

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 property is the site of the owner’s existing crane business and allowing a replacement caretaker’s residence will not result in any danger to public health, 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 indicates that adjoining land uses are passive commercial in nature and the caretaker’s residence will not result in any diminishment of existing neighboring land uses.

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 proposed caretaker’s residence will in no manner impede development on surrounding properties.

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

The applicant states there will be no change. The utilities, access roads, drainage, and other 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.*

Vehicle access and off street parking is provided in the existing driveway. The applicant states that there will be no change.

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

The proposed caretaker residence use conforms to the applicable regulations of the LC 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

TOWN ACTION: Town Board recommends approval subject to DOT approval of driveway use and applicant following dark sky ordinance.

STAFF RECOMMENDATION: Pending any concerns expressed at the ZLR Public Hearing, staff believes that the applicant has provided substantial evidence demonstrating that the proposed conditional use conforms to all applicable county ordinance standards.

Pending any comments at the public hearing and in receipt of the town action report, 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 2706 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. Applicant to obtain a highway access permit from Wisconsin Department of Transportation.
14. Land uses shall fully comply with the Town of Rutland Dark Sky ordinance.

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