
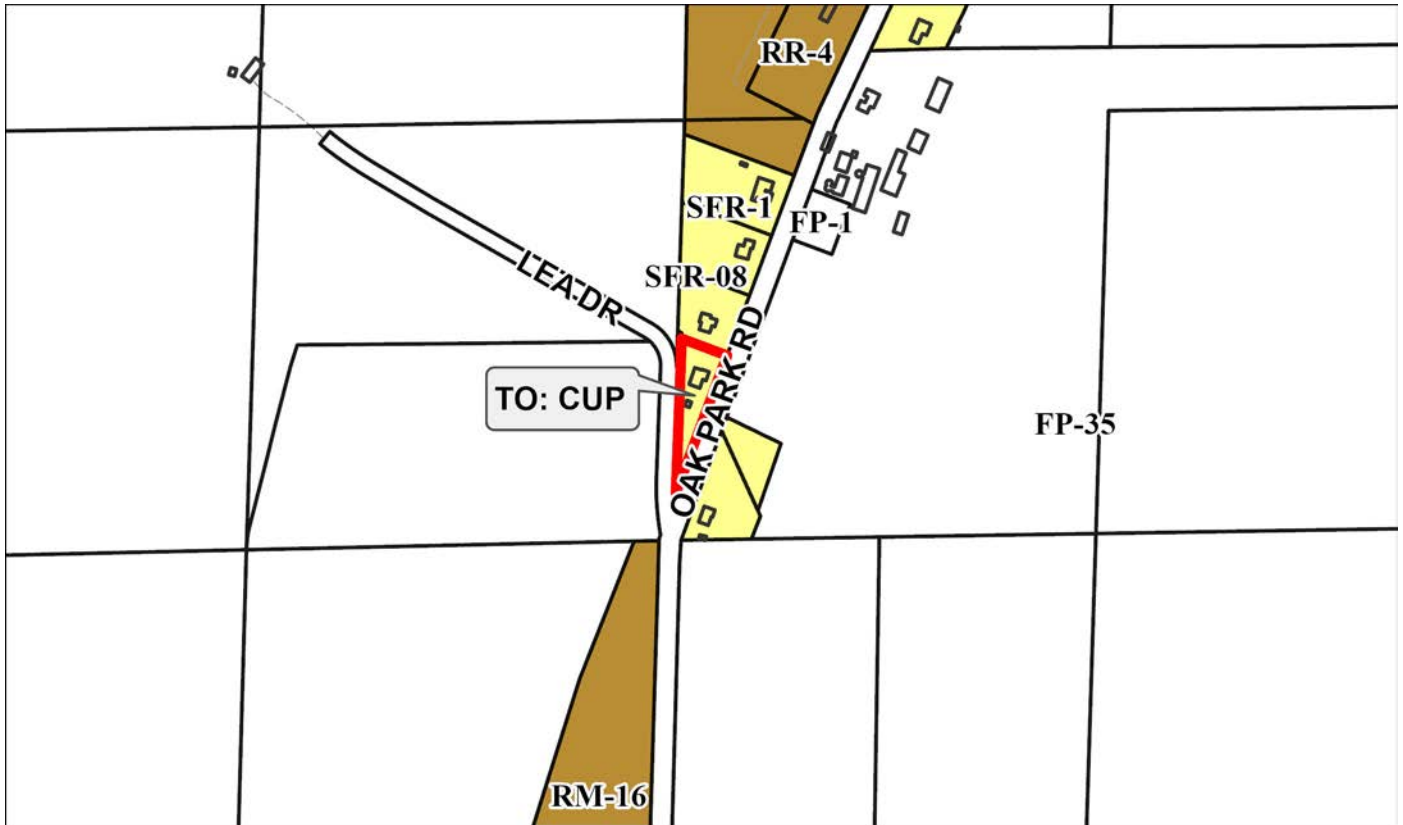


Staff Report  Zoning & Land Regulation Committee	<i>Public Hearing:</i> June 18, 2024	Conditional Use 02623
	<i>Zoning Amendment Requested:</i> TO CUP: Accessory building over 12 feet in height	<i>Town, Section:</i> MEDINA, Section 29
	<i>Size:</i> 0.8 Acres <i>Survey Required:</i>	<i>Applicant:</i> PETER J SPEROPULOS
	<i>Reason for the request:</i> Conditional Use Permit for Accessory building over 12 feet in height	<i>Address:</i> 5043 OAK PARK RD



DESCRIPTION: Peter Speropulos requests a conditional use permit (CUP) to build a residential garage over 12 feet in height, which is the maximum height allowed in the SFR-08 zoning district without a special zoning approval and extra review. He would like to build a new detached garage that is 14 feet tall in average height, 18 feet at the roof peak.

OBSERVATIONS: The property is in residential use and is less than one acre in size. The lot is a wedge shape bounded by Oak Park Road and Lea Drive. The neighboring land uses are residential to the north and to the east, agricultural use to the east and south, and undeveloped open space and environmental corridors to the west.

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 average 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: The property is located in the town’s agricultural preservation area. Town policies do not specifically address CUP requests for accessory buildings between 12-16’ in height. However, town plan policies do address maintaining the rural character of the town and avoiding land uses which may be incompatible with the town’s farmland preservation objectives. Based upon the characteristics of the subject property, the additional 2’ of height being proposed will not negatively impact the rural character of the town, nor have any significant impact on adjoining property owners. The proposed conditional use appears reasonably consistent with comprehensive plan policies. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or allan.majid@danecounty.gov.

RESOURCE PROTECTION: There are no sensitive environmental features on the property. There are wetlands west of the site but they are located well beyond the required wetland setbacks for structures.

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.

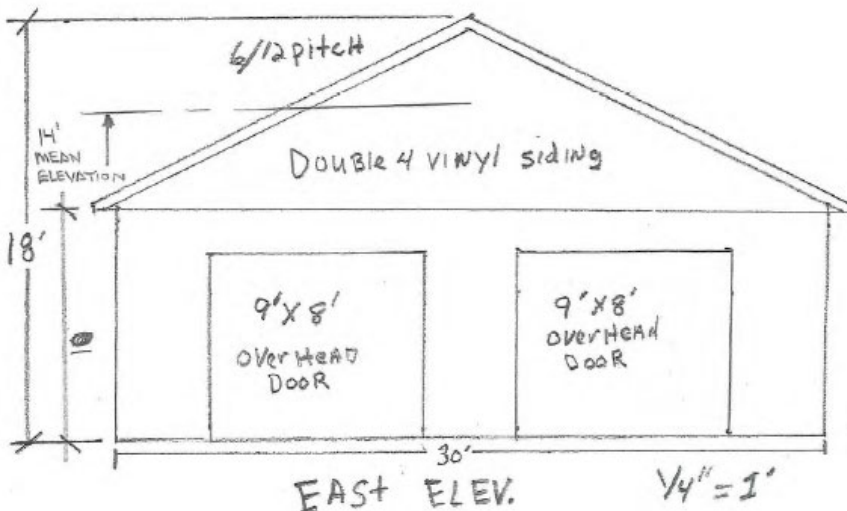
Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. Below is 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 contains the proposed plan. The applicant states that this standard will be met because the garage will meet code. The garage will be subject to zoning and building permits, and applicable erosion control measures during construction. The garage would be placed on the north end of the lot, 11 feet away from the lot line which is more than the minimum setback required by the SFR-08 zoning. The nearest home to the north would be roughly 65 feet away from the proposed garage.

- 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 will be on a current residential lot and will be the same height as the current attached garage, and will be 30'x36' in size. The plans show the new garage will be 14' in average height, which is less than the maximum height that could be requested for a conditional use permit.



- 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 this standard will be met as the garage will be on a current residential lot. This property and many of the surrounding properties are already developed for residential use, or are in agricultural and open space use with limited development potential. 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.**

As noted in the application, the lot is a developed residential lot and would use the existing driveway. 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.

The application states that the garage would use the existing driveway onto Oak Park Road.

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 SFR-08 zoning district. The building height is allowable if a conditional use permit is approved. The building plans in the application demonstrate this.

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, and in some cases concern over the fit with the neighborhood character. The applicant's CUP application addresses 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 June 12, 2024 the Town Board approved the conditional use with no 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 facts noted above, the site and building plans, and the fact that the proposed garage would be roughly 65 feet away from the nearest home to the north.

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 (1) that the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards, and (2) we recommend approval with the conditions listed below.

CUP 2623 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
2. 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.
3. 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.
4. 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.
5. 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.

6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking must be provided, consistent with s. 10.102(8).
8. 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.
9. 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.
10. 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.
11. 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.

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