
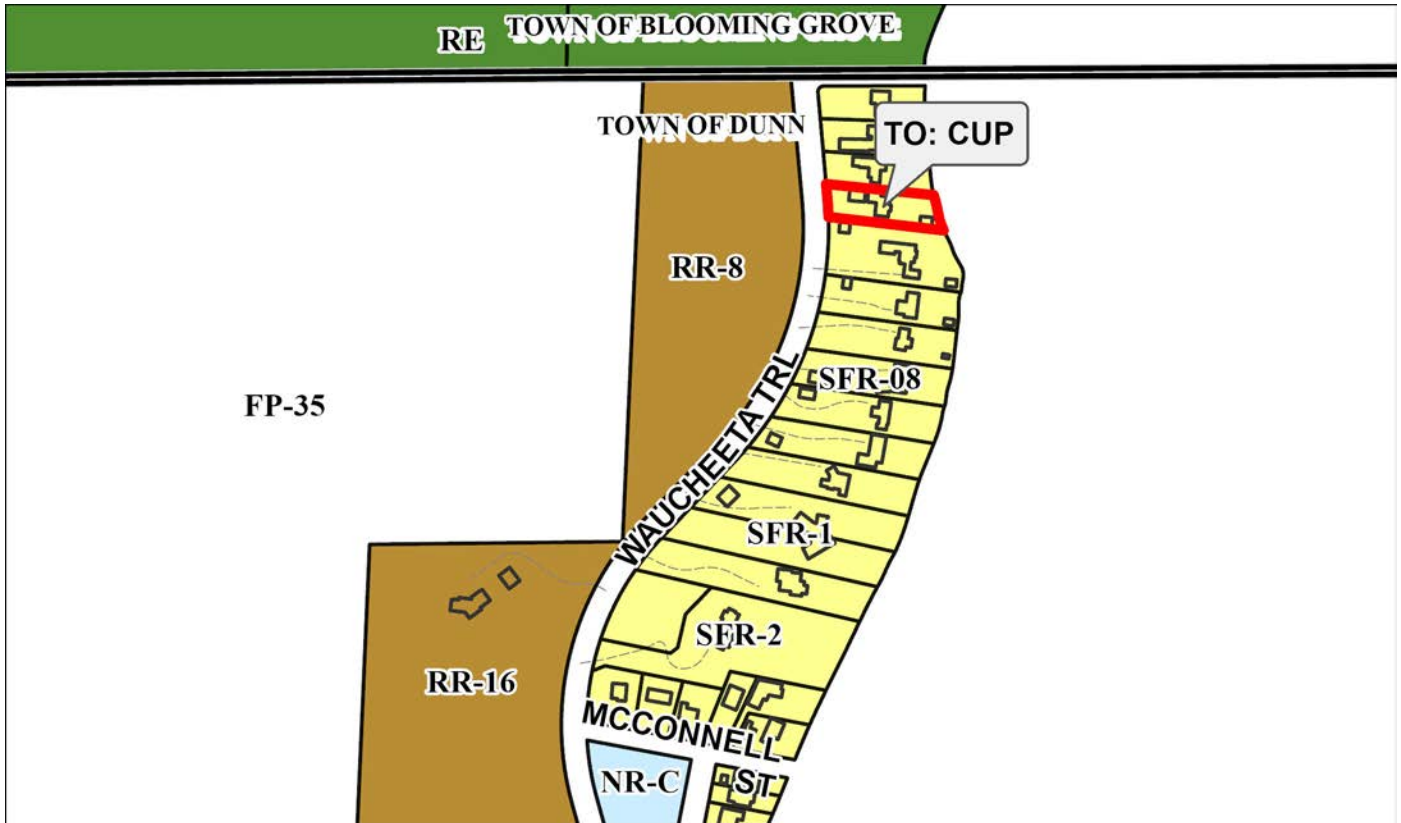


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> June 18, 2024	Conditional Use 02620
	<u>Zoning Amendment Requested:</u> TO CUP: Transient or tourist lodging (short-term rental)	<u>Town, Section:</u> DUNN, Section 5
	<u>Size:</u> 0.6 Acres	<u>Survey Required:</u>
	<u>Reason for the request:</u> Transient or tourist lodging (short-term rental)	<u>Applicant:</u> ROBERT C & LINDA A CATES LIVING TR
		<u>Address:</u> 3150 WAUCHEETA TRAIL



DESCRIPTION: Linda Cates requests a conditional use permit (CUP) for transient or tourist lodging (a.k.a. short-term rental) of her residential property on Lake Waubesa in the Town of Dunn. The home is approximately 3,300 square feet with 5 bedrooms. The request is to offer rentals to up to 10 guests over 12 years old.

OBSERVATIONS: The property is in residential use and is less than one acre in size. It is Lot 4 of certified survey map #2790 recorded in 1978, but was originally part of the Waucheeta subdivision platted in 1935. The neighboring land uses are residential to the north and south, and undeveloped open space / environmental corridors to the west and north.

COMPREHENSIVE PLAN: The property is located in the town's limited service area (sewer service area). It is important to note that [state law \(Wis Stats 66.1014\) includes protections](#) allowing the short term rental of residences for periods of 1 week or longer. Local governments may require a permit to be obtained, but may only limit rental use to periods of at least 6 months (either consecutive or non-consecutive) in any consecutive 365 day period. Local governments may also enact licensing ordinances. The Town of Dunn has enacted such an ordinance, which requires a license and limits rentals to periods of 7 days or more and 180 total days per year. Note that all short term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health.

The zoning code includes standard conditions of approval that require adherence to all applicable local, state, and/or federal regulations. Based on the information provided in the application materials, it appears the proposed conditional use falls within the protections found in state law and would meet the licensing requirements of the Town of Dunn.

Pending any concerns raised at the ZLR public hearing, or by the town in the course of its review, 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: The entire property is within the shoreland zone due to being near Lake Waubesa. No new construction is proposed; no further comments.

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 describes the proposed operations plan. The applicant indicates that off-street parking is provided on site and has provided information about the rules that would apply to guests renting the home, including no parties, no pets, and quiet hours of 10:00pm to 7:00am.

All short term rentals must be licensed through the Public Health department and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health. The applicant will need to obtain a PHMDC license.

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 her family uses the property themselves and fully expects renters to treat the property and their neighbors with the same respect that they do.

Some or all of these measures were made into conditions of approval for the CUP, see town action and recommendations below. For example, limits on the number of guests and establishing quiet hours are commonly used to control noise, which is the most common concern that arises with short-term rentals.

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 they will still use the property and it will be maintained to keep it attractive and safe at all times.

This property and most of the surrounding properties are already developed as single-family residential lots, and no exterior changes to the property are proposed in association with the proposed conditional use. The lands to the west are undeveloped; however, the proposal is not expected to impede the development of that land, and it contains environmentally sensitive areas which would restrict development potential.

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

The applicant states that no improvements are necessary. The utilities, access roads, drainage, and other necessary site improvements are already in place and are comparable to those needed for a single-family house that is not used for short-term rentals. The property is served by sanitary sewer not septic.

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 off-street parking is provided for by a 2-car attached garage, a 3-car detached garage, and driveway at least 100 feet long.

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. Transient or tourist lodging is an allowable conditional use in the 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 short-term rentals most likely involve noise, vehicle traffic, and sanitary waste management. The CUP application addresses how these potential nuisances are handled as noted above. In addition, potential conditions of approval specific to this CUP can be developed after public input and deliberation by town and the ZLR Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for short-term rental operations.

TOWN ACTION: On May 13, 2024 the Town Board approved the CUP with 11 conditions (see recommended conditions #12-22 below).

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the adequate parking and sanitary sewer, the house rules agreements for guests, and other information noted above. This is also reflected in the towns' 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.

Staff recommends that (1) 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 2620 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.

Conditions Specific to CUP #2620:

12. The short-term rental period shall be between a minimum of 7 days to a maximum of 29 days.
13. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
14. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
15. Applicant shall not advertise for, nor accept reservations for, more than 10 guests over 11 years old and no more than 14 total guests
16. Applicant shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides.
17. Parking space limit shall appear in all advertising for the short-term rental.
18. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.
19. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
20. The applicant shall provide a phone number to neighbors within 300 feet, which can be reached if there is a problem at the property.
21. The CUP will terminate when the property is sold.
22. House rules being updated to require parking on the property and not on the road, prohibiting firearms, and prohibiting fireworks.

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