
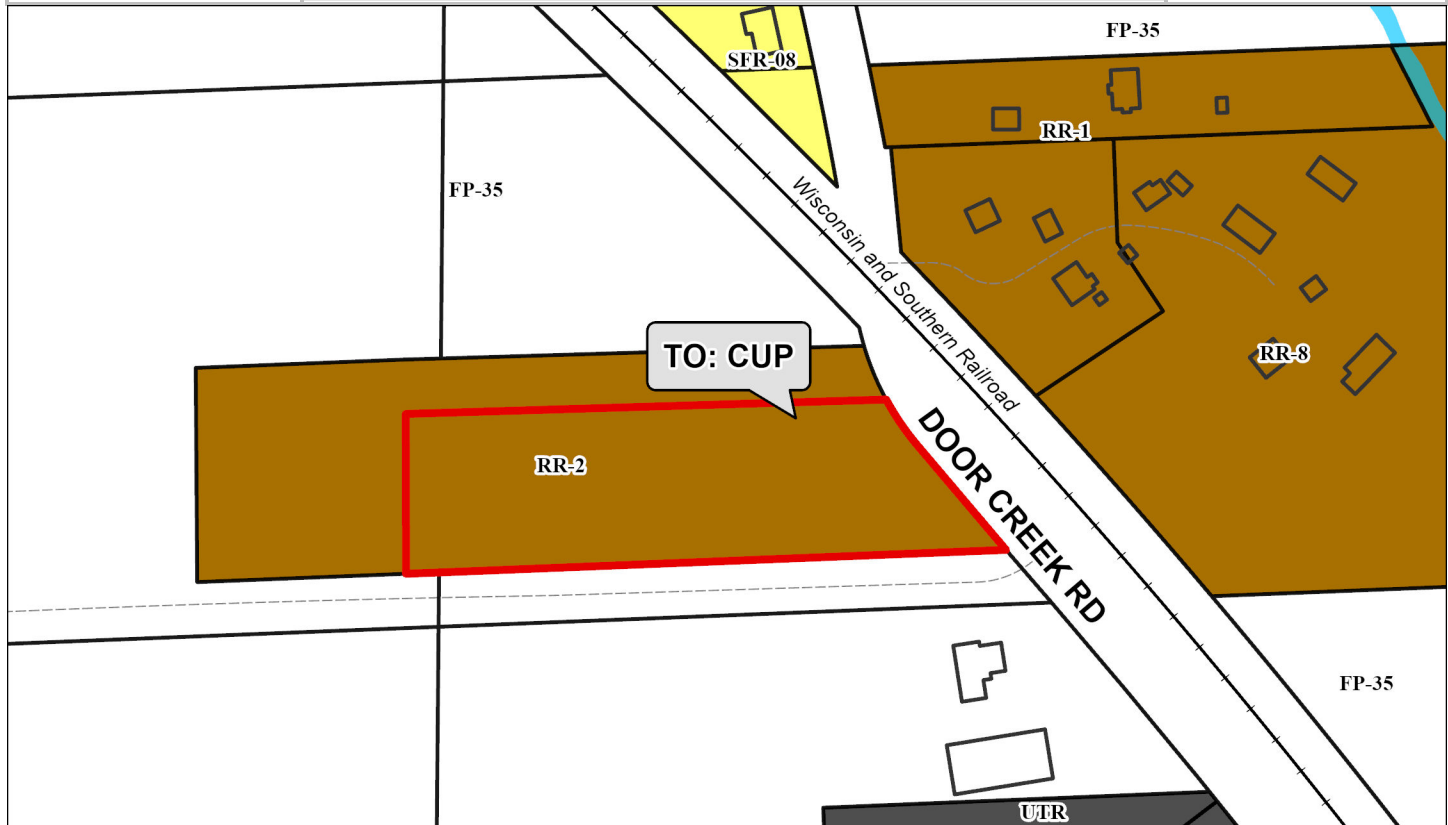


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> September 16, 2025		Conditional Use 02677
	<u>Zoning Amendment Requested:</u> TO CUP: Limited Family Business (excavating contractor)		<u>Town, Section:</u> PLEASANT SPRINGS, Section 18
	<u>Size:</u> 3 Acres	<u>Survey Required:</u>	<u>Applicant:</u> SHANE BAKKEN
	<u>Reason for the request:</u> Limited Family Business (excavating contractor)		<u>Address:</u> 2551 DOOR CREEK ROAD



DESCRIPTION: Applicant requests a CUP for Limited Family Business, to operate a contractor business (excavation) from the property. Given the nature of the contracting business, all work is conducted offsite. The CUP would address a zoning violation (see March 2025 zoning violation letter). Applicant would add a free-standing building (40'x60' = 2400 sf) to store equipment for the business. As required by the ordinance, Limited Family Businesses are to be operated out of accessory structures and are limited to no more than one full time employee not residing on the premises (the applicant/property owner is the only employee).

The applicant indicates that there will be no outdoor storage, and proposed hours of operation are Monday-Friday 7am-4pm. No sanitary fixtures are proposed for the building.

OBSERVATIONS/ FACTUAL INFORMATION: The property is in residential use and is 3 acres in size. The neighboring land uses are agricultural on most sides with FP-35 Farmland preservation zoning. There is one farm residence to the south, an electrical substation, and 6 other residences to the north and east within 500 feet.

COMPREHENSIVE PLAN: The property is located in the town's agricultural preservation area. As indicated above, the proposed conditional use permit is being sought to resolve a zoning violation. While town policies seek to avoid granting "after the fact" approvals to resolve violations, they also allow for limited commercial uses, so long as they are compatible with neighboring uses and the town's rural atmosphere. The following standards are to be applied to such proposals:

- The use must post minimal or no conflict with neighbors.
- Only the minimal land area necessary should be rezoned to accommodate the proposed use.
- Proposals accessing town roads shall be subject to a weight limit of 20 tons per vehicle.
- Loading and outdoor storage areas shall be located out of public view and the view of adjacent properties, and appropriate screening shall be required when needed.

Based on the applicant's site plan, it appears the proposal will comply with these requirements. With imposition of the standard conditions of approval in section [10.101\(7\)](#), and [10.103\(12\)](#) of the county zoning code, it appears the proposal will be 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 environmentally sensitive features on or within 300 feet of the subject 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 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, "*there will be limited impact to any lighting, noise, or outdoor activities. The proposed land use will also not increase the traffic in the neighborhood. All equipment will be stored in the proposed accessory building, therefore eliminating any outdoor storage.*"

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 proposed land use will include a new accessory building to store the equipment used by the business, which will eliminate outdoor storage. With the limited business hours of 7am-4pm Monday-Friday, and any noise being very minimal, there will be no significant impact to the neighborhood.*"

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 land surrounding the property is not able to be developed, therefore it is not taking any future development away.*"

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*. This property and most of the surrounding properties are agriculture/open space or rural residential. The applicant's comment about surrounding property reflects a deed restriction prohibiting further residential development.

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

The applicant states that, "*Approved CUP from town of Pleasant Springs, building/zoning permit has been obtained.*" It is apparent that the proposed conditional use would be served by the existing shared driveway.

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, *“There will be no changes to traffic. The CUP has already been approved by both the planning commission and the town board. All neighbors within 500’ of our property were notified and no complaints were expressed.”*

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-2 zoning district. Limited Family Businesses are an allowable conditional use in the RR-2 zoning district.

7. *That the conditional use is consistent with the adopted town and county comprehensive plans.*

As noted above, the proposal appears reasonably 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 Limited Family Business operation of the type proposed are generally modest in nature. Aesthetic impacts from outdoor storage of equipment and materials are the main concerns. As indicated, the applicant plans to construct a large accessory building and that no outdoor storage is proposed.

Below are a list of conditions as required under both sections [10.101\(7\)\(h\)](#) (standard conditions applicable to all CUPs), and section [10.103\(12\)](#) (special requirements for limited family businesses) of the zoning ordinance that will need to be part of the conditional use permit, if approved. Additional conditions or alterations to the conditions recommended below may be needed to address concerns raised at the public hearing.

- 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.*

TOWN ACTION: The Town Board has recommended approval of the CUP with no conditions.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns.

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) approval with the conditions listed below. The list reflects the general conditions from the Chapter 10 zoning code that apply to all CUPs, and to Limited Family Businesses, specifically.

CUP 2677 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 applicable to Limited Family Businesses per 10.103(12):

13. 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.
14. 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.
15. Sanitary fixtures in the building are prohibited.
16. 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.