
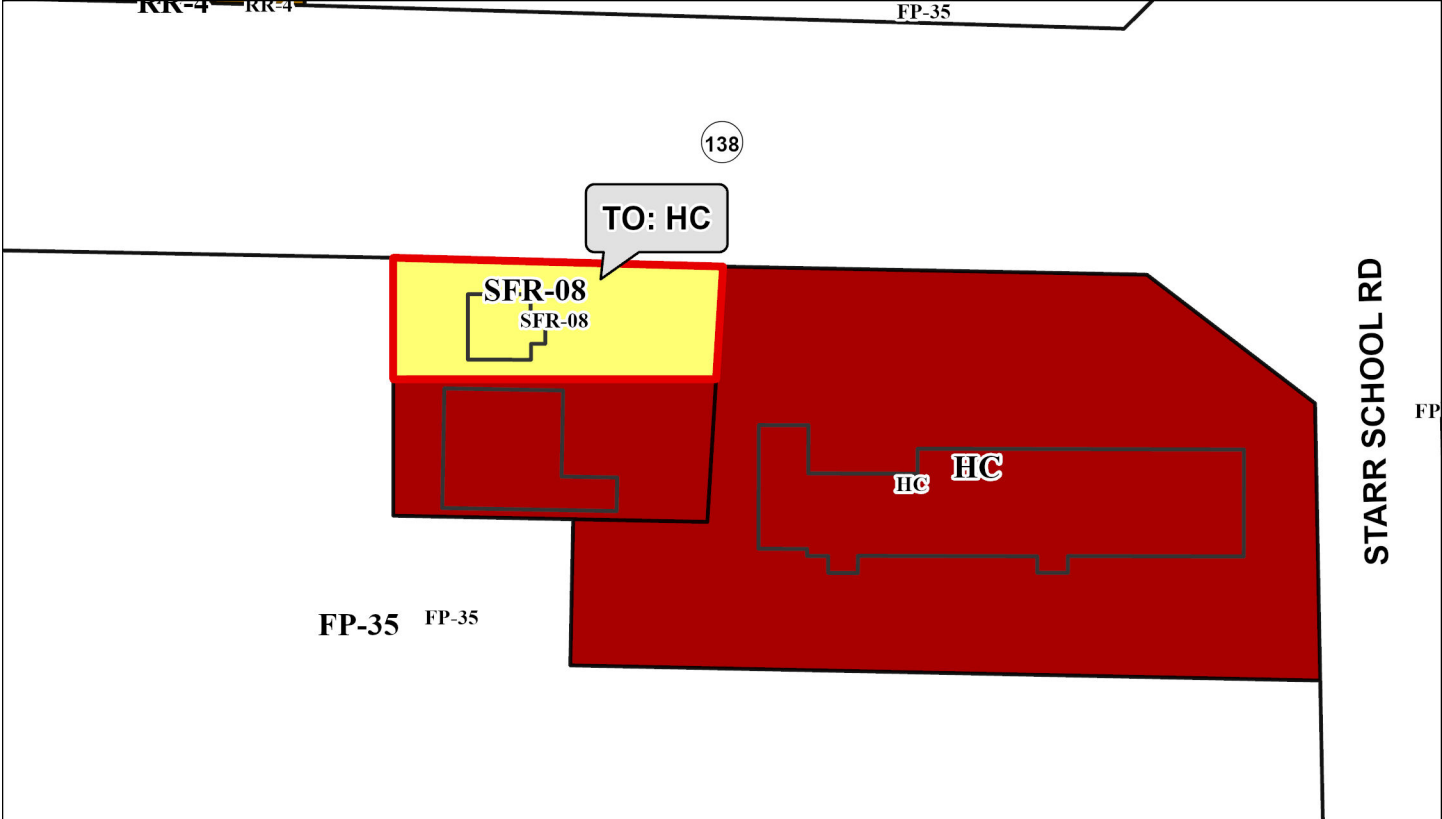


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> December 16, 2025		Petition 12230
	<u>Zoning Amendment Requested:</u> SFR-08 Single Family Residential District TO HC Heavy Commercial District		<u>Town, Section:</u> RUTLAND, Section 11
	<u>Size:</u> 0.25 Acres	<u>Survey Required:</u> No	<u>Applicant:</u> JOHN OLSON
	<u>Reason for the request:</u> Bring property into compliance with current zoning regulations		<u>Address:</u> 3447 STATE HWY 138

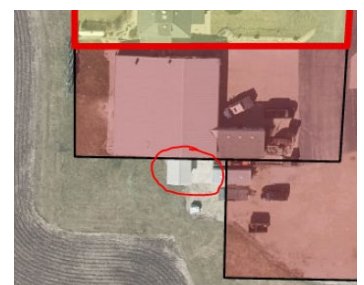


DESCRIPTION: John Olson requests to rezone a half-acre of land from residential to HC Heavy Commercial zoning district, to match the rest of the property. The proposed change would enable the owners to construct a detached one-car garage for their personal use.

Along with this rezone petition, a conditional use permit petition was submitted (CUP #2687) that would reclassify the existing home as a “caretaker residence” under the HC zoning district. The applicant has agreed to limit the land uses to a vehicle repair and caretaker’s residence, out of all the uses typically allowed by HC zoning.

OBSERVATIONS: The property contains Olson’s residence, and a car repair business that has operated for many years. The property currently has a mix of SFR-08 and HC zoning, as a result of a rezone petition from the 1980s that established a commercial spot zone on part of the property. In 2019 when the zoning ordinance and maps were updated, the bulk of the Olson property was zoned HC to reflect the extent of the existing business operation. The business also operates on the adjacent HC-zoned parcel, which contains a house with an attached vehicle repair garage.

There appears to be a storage shed and some material storage encroaching onto the adjacent farm property, in the area south of the garage. The shed appears to have been built between 2010 and 2014 based on aerial photos (no permit on file). The property is not currently the subject of a violation notice; however, the location of the shed and outdoor storage does not comply with zoning ordinance which requires that all the business activities, structures and materials be located on the Olson property(ies).



HIGHWAY ACCESS: The property is located in a state highway; however, no change of land use or intensification of the current use is proposed.

COMPREHENSIVE PLAN: The property is located in the town's agricultural preservation area. As noted above, the property currently has split zoning, which can present challenges in terms of zoning enforcement. The requested HC zoning and associated Conditional Use Permit would provide a single zoning category for the property and ensure compliance for the existing commercial and residential uses while accommodating the owner's desire to construct a garage for the residence. With appropriate conditions of approval, it appears the proposal would be consistent with the following applicable town plan policies:

"The town may allow expansion of existing nonfarm commercial uses where any such proposal is consistent with the goals, objectives, and policies of this plan. The following zoning categories may be used to accommodate such uses:

- a. GC (General Commercial), with appropriate conditions as needed to meet the objectives of this plan.*
- b. HC (Heavy Commercial), with appropriate conditions as needed to meet the objectives of this plan."*

Pending the town's review and action on the proposal, and any concerns that may be presented at the ZLR public hearing, staff recommends approval of the petition subject to a deed restriction that limits the land uses to:

1. Vehicle repair or maintenance service, indoor storage and repair, indoor sales, outdoor sales, display or repair, and a caretaker's residence.

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

RESOURCE PROTECTION: There are no sensitive environmental features on the subject property. Staff has no concerns.

TOWN ACTION: On November 6th, the Town Board recommended approval subject to a deed restriction limiting the land uses of the HC zoning district to vehicle repair and a caretaker's residence.

STAFF RECOMMENDATION: Staff is aware that the vehicle repair business operation includes a limited amount of outdoor display and sales activity, but this occurs on the adjacent lot between the building and Highway 138. If the property is deed restricted as recommended by the Town, the business could conduct vehicle repair on this lot but could not have indoor storage, indoor sales, nor any outdoor sales, display or repair. Because the adjacent lot is technically not part of this rezone petition, these other uses could continue to occur there for the time being.

The shed and outdoor storage that is occurring south of the existing garage appears to be overflow from the business, which operates on this and the adjacent lot. The other lot is jointly owned by John Olson and his brother (unlike the lot involved in this rezone petition). There is limited space on this small lot to relocate those materials. However, considering that the business has been able to operate and grow with considerable latitude over the years, staff would suggest that the Olsons address the encroachment as soon as feasible so that all of their commercial operation is contained on the property. The ZLR Committee may wish to provide additional comments as relates how this may affect any future proposals for the business.

Staff recommends approval of the petition subject to the following conditions:

1. Applicant shall record a deed restriction on the HC zoned property limiting land uses exclusively to vehicle repair or maintenance service, and a caretaker's residence.
2. Applicant shall remove the shed currently located south of the garage, prior to the rezone petition becoming effective.

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