
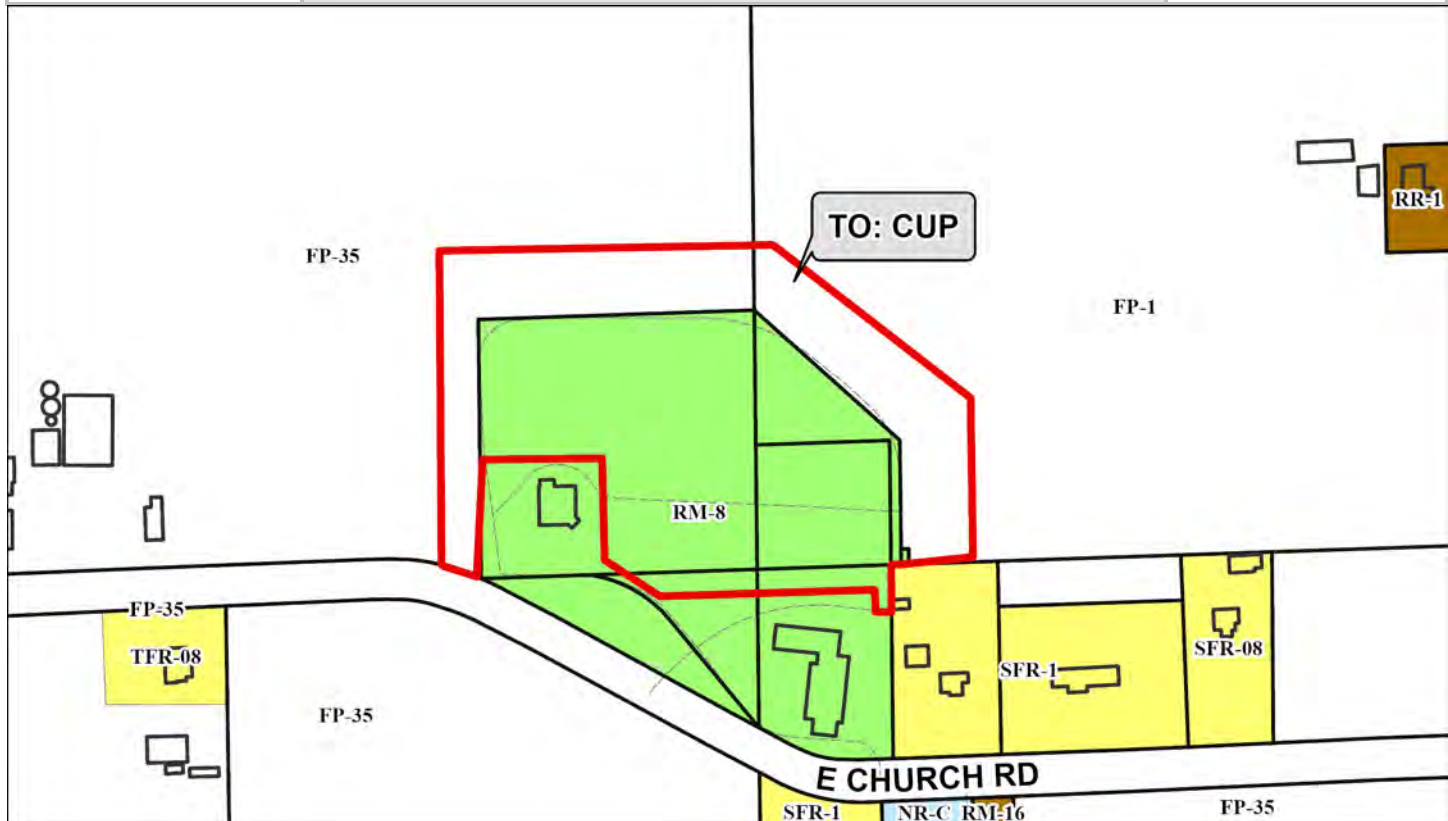


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> January 27, 2026		Conditional Use 02691
	<u>Zoning Amendment Requested:</u> TO CUP: Expand existing cemetery		<u>Town, Section:</u> CHRISTIANA, Section 26
	<u>Size:</u> 8.5 Acres	<u>Survey Required:</u>	<u>Applicant:</u> FIRST KOSHKONONG CHURCH
	<u>Reason for the request:</u> Expand existing cemetery		<u>Address:</u> 454 E. CHURCH RD



DESCRIPTION: The East Koshkonong Cemetery Association requests a conditional use permit (CUP) to enable the expansion of an existing cemetery. The Association is purchasing 3.2 acres from the neighboring Olson farm for the expansion. They have also submitted a rezone petition ([petition #12233](#)) at this time. If approved, the rezone petition would enable a two-lot certified survey map (CSM) to be recorded that will place the cemetery on an 8.5-acre lot with RM-8 zoning, and the two churches on a separate 2.9-acre lot. A cemetery land use is allowed in the RM-8 zoning district, with an approved conditional use permit.

OBSERVATIONS / FACTUAL INFORMATION: The property currently contains two historic churches dating back to the 1840s. The proposed cemetery lot would meet county ordinance requirements including land use, public road frontage, and building setbacks from lot lines.

The CUP application includes a staff comment that ownership questions for the land containing the cemetery shed must be resolved prior to issuance of the permit. The cemetery owns a small shed that appeared to be located on the adjacent residential Zahn property (444 E. Church Road) upon initial review. After review of several property deeds, the County Surveyor determined that the parcel maps were incorrect, stemming largely from a poorly written tax parcel description that did not match the deeds of record. County staff has corrected the county parcel maps to show the Zahn property's north line to be south of the shed, and extending the 16 ft wide strip and the 12 x 24 ft parcel down to the shed where they should be.

RESOURCE PROTECTION: There are no sensitive environmental resources on or within 300 feet of the subject property.

COMPREHENSIVE PLAN: This petition is in the town's agricultural preservation planning area and is subject to the land use policies related to that designation. The proposed conditional use permit request would accommodate expansion of the existing cemetery associated with the historic Koshkonong church. A related rezoning request under [petition #12233](#) would accommodate expansion of the church property, approval of which would be a necessary precursor for the church to acquire the property. The proposal would not result in any significant land use change and continues the longstanding religious uses. This proposal is consistent with the comprehensive plan's goals, objectives of policies related to existing land uses.

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

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 applicants state that they have prepared a survey map for the expansion, that the land use will not change, and the continued operation of the property presents no danger to the community.

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 use of the properties has not changed since prior to 1900. Staff notes that cemeteries are a passive land use that do not tend to produce nuisances for the neighbors.

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 expansion of the cemetery will not impede development in this area. 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 either in agricultural use and farmland preservation zoning, or are already developed as residential lots along the road. As noted above, the zoning petitions actually revealed parcel mapping issues and prompted an update to county parcel records, which will help clarify the property ownership in this area. This is expected to improve things for the applicants and the adjacent land owners.

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

The applicant states that the cemetery will use existing utilities and access roads. The new CSM proposed for these lots will provide road frontage for the cemetery lot, in the event a new access is ever needed there.

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 the cemetery will use the existing ingress and egress. Off street parking is provided for the property in the church parking lot, and in the long driveway through the cemetery grounds.

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 RM-8 zoning district. A cemetery is an allowable conditional use in the 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: Cemeteries are a fairly passive land use; the potential nuisances of a cemetery operation are most likely to involve traffic management, or (when they become town-owned facilities) the cost of ongoing maintenance and record keeping. The applicant's CUP application addresses how these potential nuisances are handled, as noted above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for cemetery operations.

TOWN ACTION: The Town Board has recommended approval of the CUP as proposed, 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 information outlined above, and is also reflected in the town's approval with no conditions. A cemetery plat should be recorded, if required by [s. 157 Wis Stats](#). 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 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, and the fact that this is associated with a rezoning.

CUP 2691 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.

Unique Conditions for this CUP:

13. This CUP shall only become effective upon Rezone Petition #12233 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.