
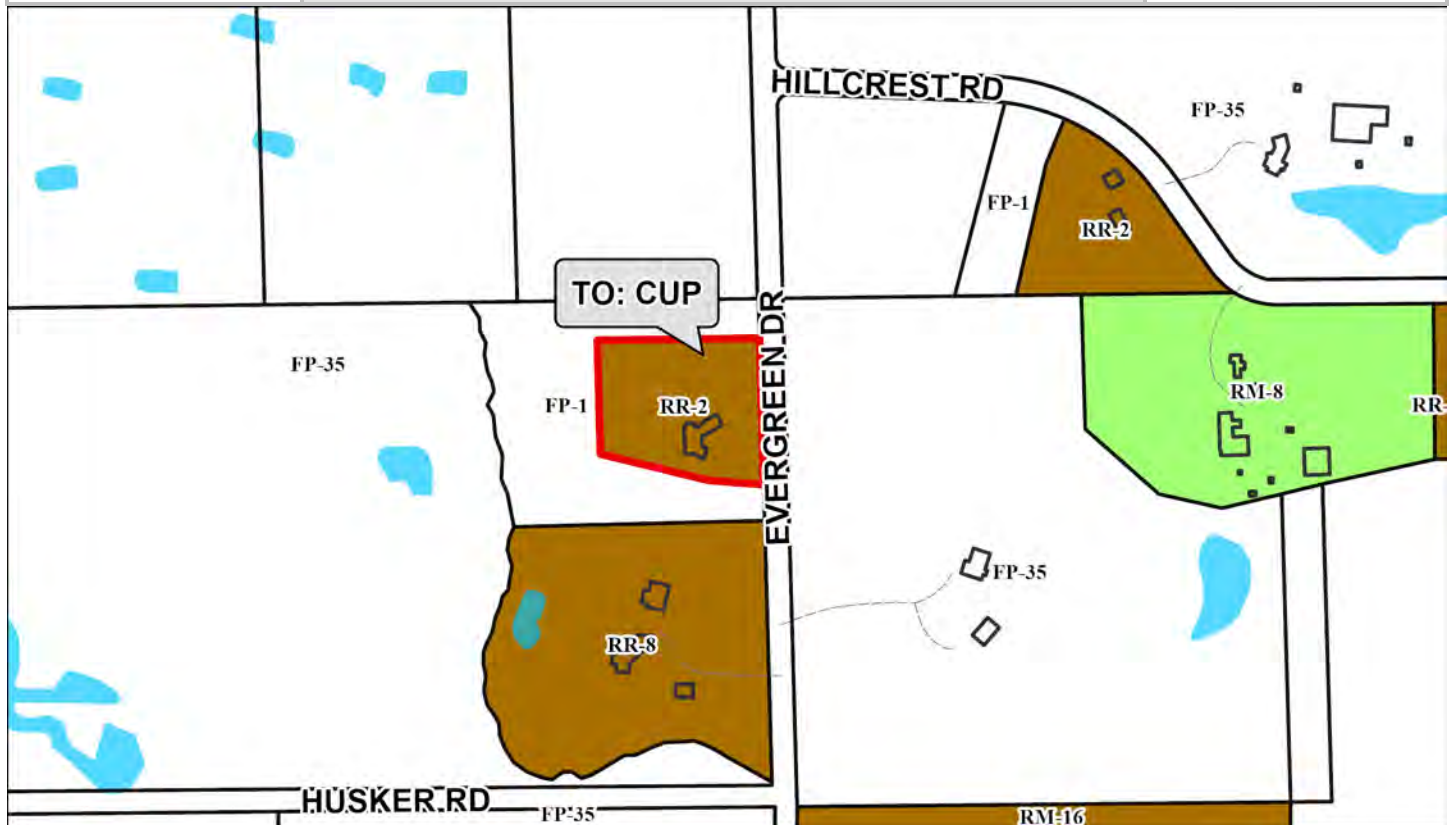


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> December 16, 2025		Conditional Use 02686
	<u>Zoning Amendment Requested:</u> TO CUP: Transient or Tourist Lodging		<u>Town, Section:</u> CHRISTIANA, Section 5
	<u>Size:</u> 3.3 Acres	<u>Survey Required:</u>	<u>Applicant:</u> ARINGTON ADVENTURES LLC
	<u>Reason for the request:</u> Transient or Tourist Lodging		<u>Address:</u> 2959 EVERGREEN DRIVE



DESCRIPTION: Cindy Cutrano requests a conditional use permit (CUP) for “transient or tourist lodging” (short-term vacation rental) for an existing home. The petition was submitted as a means of addressing a zoning violation.

OBSERVATIONS: The applicant requests the ability to rent out the home year-round, with no minimum rental period. The property is in residential use, is 3.3 acres in size, and is zoned RR-2 Rural Residential. The applicant also owns the surrounding parcels. The house is a 5-bedroom home. The septic system is designed for 4 bedrooms, which would accommodate up to 8 guests. The neighboring properties are primarily agricultural and wooded lands on all sides (with Farmland Preservation zoning) and one rural residential lot to the south (zoned RR-8). Transient or tourist lodging is an allowable conditional use in the RR-2 zoning district, if a conditional use permit is obtained.

RESOURCE PROTECTION: The west end of the property contains FEMA-mapped floodplain. No new development is proposed for the rental operation; staff has no further comment.

COMPREHENSIVE PLAN: The property is located in the town’s agricultural preservation area. The town has not adopted any specific planning policies with regards to short term vacation rentals. The most relevant planning policies are those aimed at protecting the town’s rural atmosphere and seeking land use conflicts arising from the siting of incompatible land uses in close proximity to one another. The property adjoins one other large rural residential parcel that is under common ownership and buffered by a wooded area.

It is important to note that state law ([Wis Stats 66.1014](#)) allows for the short-term rental of residences for periods of 1 week or longer. Local governments are limited in their ability to regulate short term rentals. While local governments

may require a permit to be obtained, they may only limit rental use to periods of at least 180 days (either consecutive or non-consecutive) in any consecutive 365-day period. The county zoning ordinance does not specify any minimum rental period, nor does it limit the number of days per year that such rentals may be offered. The application materials do not indicate a minimum rental period.

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 is reasonably consistent with applicable policies and zoning code requirements. Upon a finding of fact that the proposed use meets the standards for approval of a CUP, staff recommends approval with the [standard conditions found in section 10.101\(7\)d](#).

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 rental operations plan and house rules. The applicant states that the rental will be maintained to the highest safety and cleanliness standards, and that strict house rules are enforced to prevent disturbances, and the property will not host commercial activities, to ensure general welfare of nearby residents.

As noted above, 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 applicant is obtaining 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 applicants state that the rental is intended for temporary lodging and will be limited in occupancy and use to preserve the residential atmosphere. In addition, the structure will remain visually consistent with the surrounding area, and landscaping and the overall property will be maintained. The property is secluded and allows for plenty of space for separation of guests from neighbors. There are three homes within 1000 feet of the property.

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 use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. Applicants state that the proposed use will not hinder future development or improvements, as the home will retain its residential appearance and all operations will conform to the zoning code. As noted above, the surrounding lands are either in agricultural or open space use, and there are few residences nearby. No exterior changes to the property are proposed.

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

Applicant states the property already includes all necessary utilities, paved driveway access, and proper drainage. According to permit records, the septic system is sized for 4 bedrooms / 8 adults. (Septic design capacity is based on residential code that requires 150 gallons/day, or 2 adults per bedroom.) If the owners ever wish to rent to more than 8 guests, the existing system would need to be evaluated by a licensed professional and upgraded to meet applicable code standards.

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.*

Off street parking is provided for the property by an existing driveway and attached garage. No changes are proposed. The property appears to provide parking for at least 6 vehicles to park off-street.

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. Transient or tourist lodging is listed as 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 concerns that pertain to short-term rentals are most likely to 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 can be developed after public input and deliberation by town and the ZLR Committee (for example, limits on the number of guests and establishing quiet hours are commonly used to control noise). Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for short-term rental operations.

TOWN ACTION: The Town Board recommends approval of the CUP as written, with the understanding that all the house rules will be followed and the inspections of DATCP and Public Health, and subject to conditions to prohibit the use of motorbikes, ATVs and firearms on the property.

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 in the sections above, and is also reflected in the town's 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.

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 town's recommended conditions.

CUP 2686 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.

Conditions specific to CUP # 2686:

13. The number of rental guests shall be limited to eight (8) on site at a time.
14. Dirt bike, ATV, and firearm use is prohibited on site, in association with the rental operation.

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