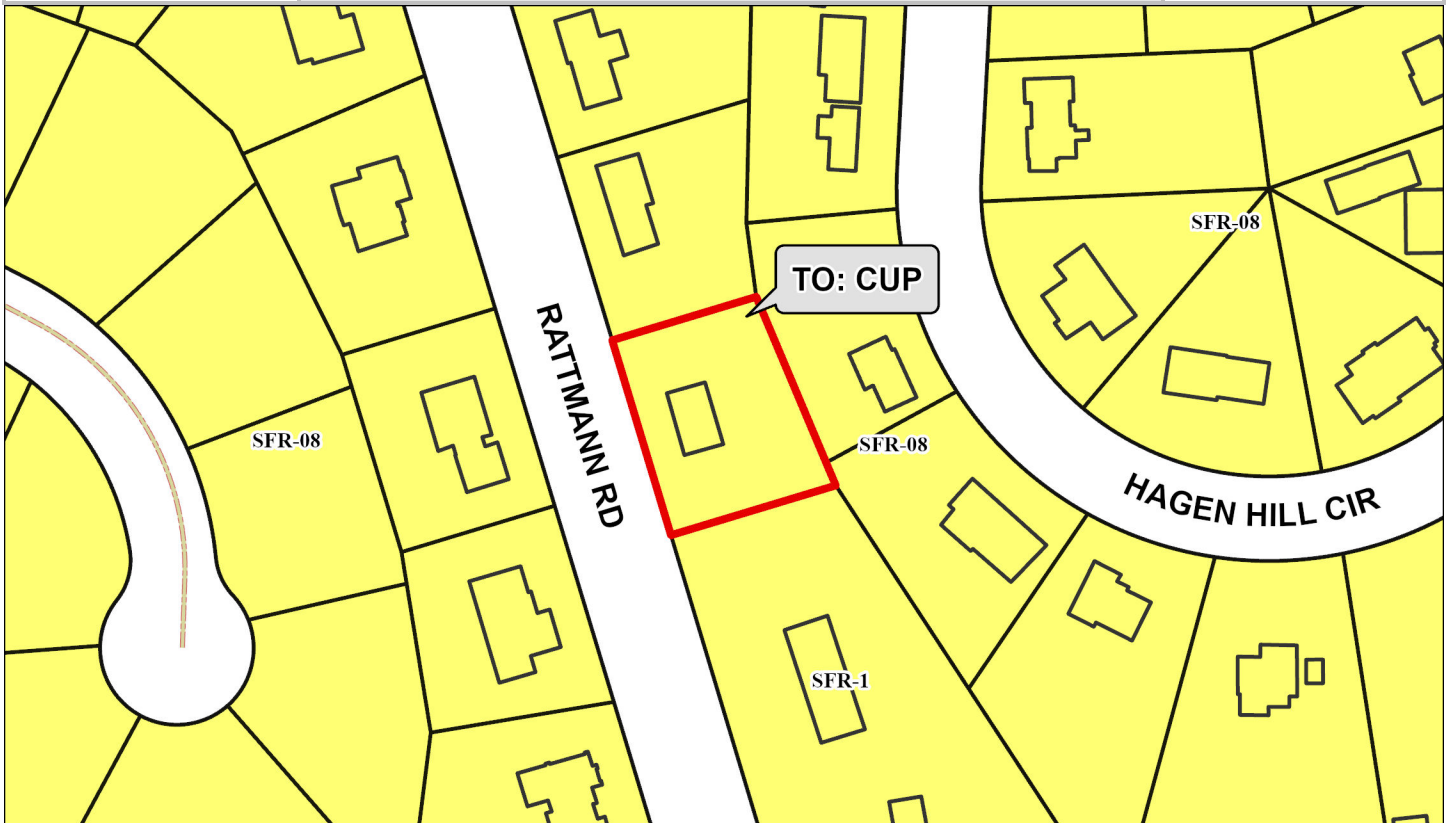


Staff Report**Zoning & Land
Regulation
Committee**Public Hearing: **August 26, 2025**Zoning Amendment Requested:**TO CUP: Transient or tourist lodging (short-term rental)**Size: **0.5 Acres**Survey Required:Reason for the request:**Transient or tourist lodging (short-term rental)****Conditional Use
02672**Town, Section:**BURKE, Section 3**Applicant:**CRATTMAN LLC**Address:**6090 RATTMANN RD**

DESCRIPTION: Applicant requests a conditional use permit (CUP) for transient or tourist lodging, in order to use the existing single-family home for short-term rentals.

This petition was submitted to address a zoning violation (see May 27, 2025 Notice letter).

OBSERVATIONS: The property is in residential use and is a half-acre in size. The neighboring land uses are residential on all sides. The lot is part of the Stony Ridge subdivision, a rural subdivision in the Town that is near the City of Sun Prairie. Transient or tourist lodging is listed as an allowable conditional use in the SFR-08 zoning district, with an approved CUP.

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

COMPREHENSIVE PLAN: The property is located in the town's rural residential planning area and will eventually become part of the City of Madison in accordance with town/city cooperative plan. There are no specific policies that address this particular type of request, nor would the proposal trigger City of Madison review under the terms of the cooperative plan. Due to the proximity of nearby residences, conditions may be warranted that address noise, quiet hours, number of guests, and the sharing of the CUP holder's contact information with neighbors to more quickly resolve issues.

For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or Kollenbroich.Benjamin@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, with regular inspections and compliance with local fire, health and occupancy codes. Noise restrictions and strict house rules are enforced to prevent disturbances.

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 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 the rental is intended for temporary lodging and will be limited in occupancy, use, and frequency to preserve the residential atmosphere. They note the structure will remain visually consistent with the surrounding properties, and landscaping will be maintained, that no major construction or alterations are planned, and the property will be kept in pristine condition. There will be no outdoor signage and no outdoor storage. Rental rules stipulate no parties or unauthorized events, no smoking, no pets (unless listed on the reservation in advance), and quiet hours from 10:00pm to 7:00am. The property includes an outdoor hot tub.

Some or all of these measures were made into conditions of approval for the CUP. 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. In light of the fact that there has been a complaint filed, other conditions may be warranted, if this CUP is approved. There are approximately 27 residences within 500 feet of this property, including 32 in the Town of Burke and 5 in the City of Sun Prairie (on smaller urban lots).

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*. This property and most of the surrounding properties are already developed as single-family residential lots, or platted for future residential development. The applicant states that their guests will not hinder future development or improvements in the area. The home will retain its residential appearance, and all operations will conform to the zoning code. No external modifications are proposed, allowing nearby development to proceed unhindered.

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

The utilities, access roads, drainage, and other improvements needed for the proposed use are comparable to those necessary for a single-family house that is not used for short-term rentals. According to sanitary permit records, the septic system is sized for 4 bedrooms / 8 adults (based on residential code which requires 150 gallons/day, or 2 adults per bedroom). If the owners ever wish to rent to more than 8 adults, the existing system would need to be evaluated by a licensed professional and upgraded to meet 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 garage. No changes are proposed. The applicants provide parking for up to 5 vehicles in the garage and driveway; however, the applicants indicate that guests typically bring 1 to 2 vehicles.

If vehicle parking is a concern, CUP permit conditions may limit the number of guest vehicles and require guests 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 SFR-08 zoning district. Transient or tourist lodging is listed as an allowable conditional use in the zoning district. Applicant states they will comply with local zoning codes and that proper permits and registrations will be obtained/maintained.

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 typically 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: Pending.

STAFF RECOMMENDATION: Staff recommends that the ZLR Committee determine if the applicant has provided sufficient evidence to address the CUP standards. If the Committee requires additional information on which to base a decision, they could request more information at the public hearing.

Staff believes that the applicant has provided evidence to address the CUP standards and mitigate the potential concerns. This includes the fact that they perform background checks on guests through a third-party site (Truvi), provide ample parking on site (off-street), and that there are house rules that clearly specify rules such as quiet hours and prohibiting smoking (see sections above). However, staff is concerned that to date the rental listing allows pets (up to 2), allows 24/7 hot tub use, and has suggested there is capacity for more than 8 guests ("sleeps large groups"). It also suggests "24/7 FREE street parking in the front", which would only be necessary if there were more than 5 vehicles during a guest stay. The applicant should consider whether these things are consistent with the house rules and whether they help to minimize nuisances to the surrounding neighborhood. If the CUP is approved, the rental must be advertised in a manner consistent with any approved permit conditions.

Staff recommends postponement at this time, due to the need for town action in accordance with the ZLR Committee's adopted rules and procedures. Potential conditions of approval are listed below for consideration and discussion, and will be updated for the ZLR Committee based on the action and recommendation from the Town of Burke.

CUP 2672 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 # 2672:

13. Landowner shall apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.
14. The rental shall be limited to 8 overnight guests.
15. Quiet hours shall be 10:00pm to 7:00am, all days of the week.
16. Rental guest parking shall be limited to 5 vehicles, and all vehicles must be parked on the property (off-street).
17. No pets allowed.
18. The owner, or their designated emergency contact person, must be available within one (1) hour to address any problems.
19. Emergency contact information shall be provided to neighbors within 500 feet of the property, the Town Clerk, and the Dane County Zoning Division.

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