
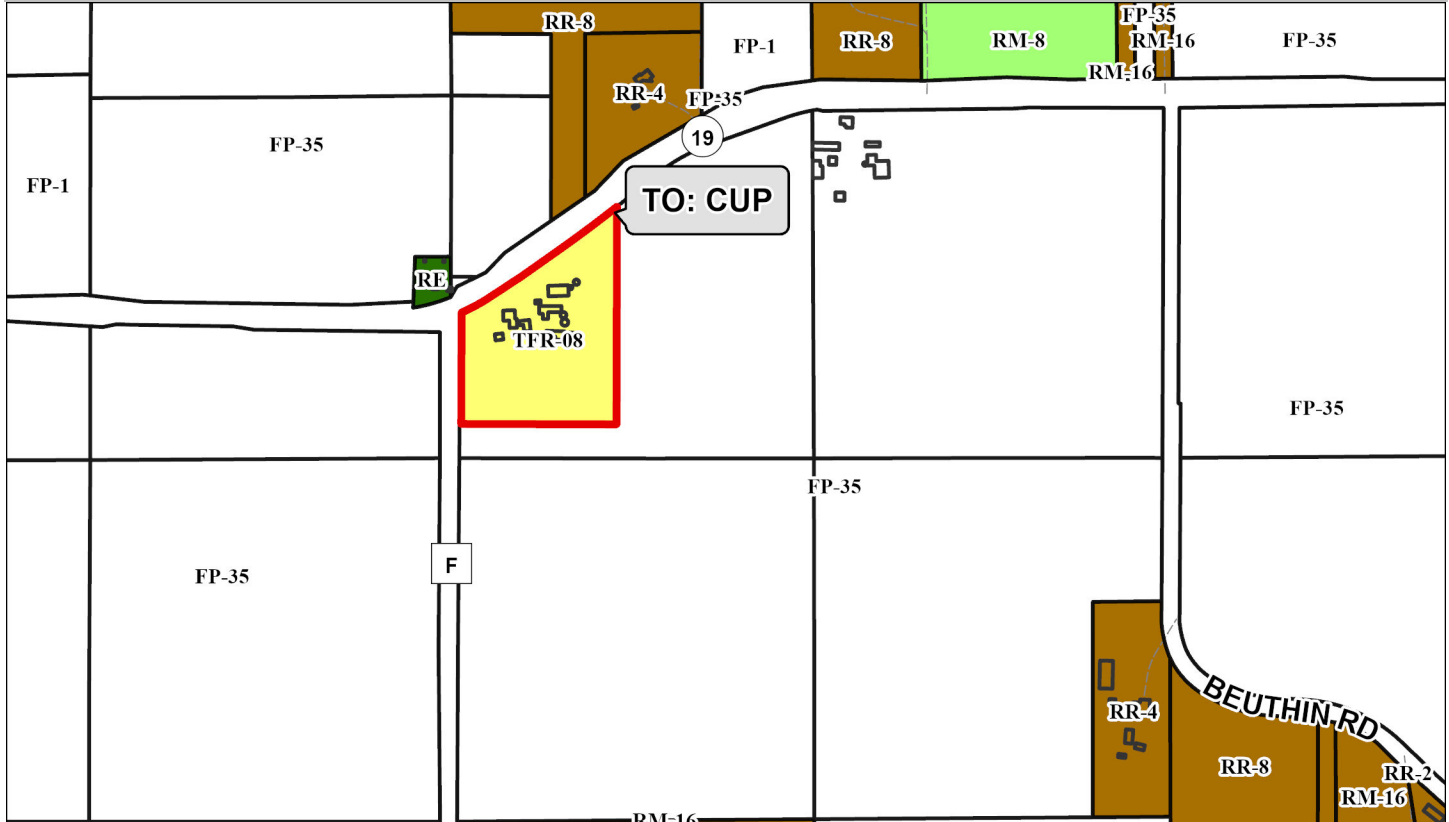


Staff Report  Zoning & Land Regulation Committee	<i>Public Hearing: May 26, 2026</i>		Conditional Use 02705
	<i>Zoning Amendment Requested:</i> TO CUP: Limited Family Business - vegetable processing		<i>Town, Section:</i> MAZOMANIE, Section 12
	<i>Size: 7.6 Acres</i>	<i>Survey Required:</i>	<i>Applicant:</i> ERIC SLAVENS
	<i>Reason for the request:</i> Limited Family Business - vegetable processing		<i>Address:</i> 9755 STATE HIGHWAY 19 / County Highway F



DESCRIPTION: Eric Slavens requests a conditional use permit (CUP) for a Limited Family Business, in order to install a canning kitchen with sanitary fixtures in one of the barn buildings to use for his hot pepper business. The property is a historic farmstead that contains two residences and several agricultural buildings. Slavens currently occupies one of the homes, grows hot peppers on site to sell at area markets.

OBSERVATIONS/ FACTUAL INFORMATION: The property is in residential and agricultural use and is 7.6 acres in size. The neighboring lands are in agricultural use and zoning on all sides, with two rural residential lots to north across Hwy 19.

The property is currently zoned TFR-08 due to having two homes on site. TFR zoning is not very common in rural areas and unfortunately, the TFR district does not allow for limited family businesses. Most of Dane County’s single-family residential zoning districts do allow them, particularly the districts assigned to larger properties more than one acre in size. After considering all of the options available under the zoning ordinance, the owner decided to convert the second home to an “accessory storage building” and rezone the property to a single-family district, and apply for the conditional use (see Rezone Petition #12280 also on the May 26th ZLR agenda).

A limited family business is listed as an allowable conditional use in the RR-4 zoning district, which is the proposed zoning. The lot will continue to meet county ordinance requirements for the existing structures and land use.

RESOURCE PROTECTION: There are no sensitive environmental resources on the property that would be affected by the proposal. There is potential mapped floodplain in the southern third of the property; however, this is not where the existing buildings are and would not impact the proposed use or building improvements.

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. This proposal is consistent with the goals, objectives of policies related to limited commercial development. The Town of Mazomanie has a 1 home per 40 acres density policy, the proposal is consistent with the density policy. There is a general support of limited family business in existing structures.

For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@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 applicant states that the operation would be located on the property in an out building, with no impacts to others.

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 property is 7.6 acres, that the business would be located in the middle of the property, and it is surrounded by farm fields.

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 building has been located here for 100 years and its use for this purpose should not affect anyone.

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 in agricultural use with FP-35 zoning, with a couple of rural residential RR-zoned lots. The abutting farm lands are deed restricted from future development, and the nearest home is over 700 feet away from the building where the canning kitchen would operate.

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

The applicant states that the only improvements would be small improvements in the existing barn and the installation of a holding tank for sanitary waste. The Sanitarian at Public Health Madison Dane County (PHMDC)

expressed no concerns with the holding tank in light of the current capacity, commented that the owner should only need a reconnect permit from that agency.

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 he lives on site and the proposed use will not generate any customer traffic.

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 proposed RR-4 zoning district. A limited family business 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: The potential nuisances that pertain to limited family business operations most likely involve noise or concerns about traffic. The applicant's CUP application addresses these potential nuisances, 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 special requirements for limited family business operations:

- (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.*

Typically some of these requirements are listed as conditions on the approved conditional use permit. See staff recommendations below.

TOWN ACTION: Town Board recommends approval of the CUP, subject to a 3-year review by Town Board.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the fact that the business use would be limited in scope to the owner/operator with little or no additional traffic, the property is 7.6 acres in size, and there are no residences within 500 feet of the proposed operation. This 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 approved conditions.

CUP 2705 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 specific to this CUP:

13. Sanitary fixtures to serve the limited family business use may be installed, but shall be removed upon expiration of the conditional use permit or abandonment of the limited family business.
14. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.
15. This CUP shall be subject to a review by the Town Board every three years, to confirm the limited family business is in compliance with applicable regulations.
16. This CUP shall become effective upon Rezone Petition #12280 for RR-4 zoning 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.