
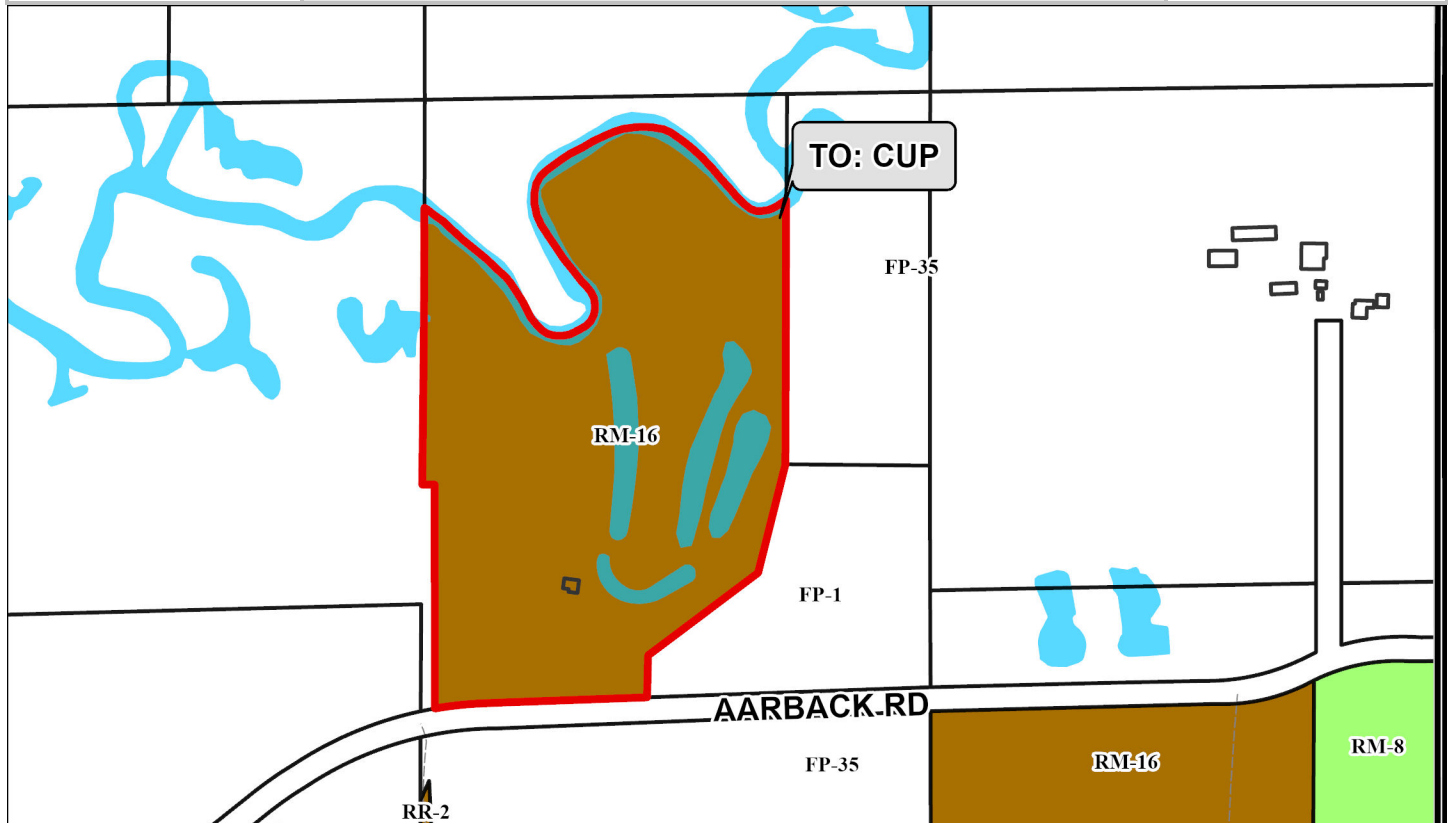


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> September 16, 2025		Conditional Use 02675
	<u>Zoning Amendment Requested:</u> TO CUP: Property Maintenance Shed		<u>Town, Section:</u> ALBION, Section 1
	<u>Size:</u> 25.2 Acres	<u>Survey Required:</u>	<u>Applicant:</u> STEPHEN & MARY TILTON TR
	<u>Reason for the request:</u> Property Maintenance Shed		<u>Address:</u> 120 AARBACK ROAD



DESCRIPTION: Applicant Stephen Tilton requests a conditional use permit (CUP) to construct a property maintenance shed on the RM-16 lot at 120 Aarback Road. The property once contained a farmstead with multiple buildings; today it contains old foundations and building ruins. The shed would be built on the foundation of an old barn. The proposed building is 24'x24' (576 square feet) in size.

OBSERVATIONS: In most cases, a principal residence is required to be built or under construction before zoning permits can be issued for accessory buildings. In the RM-16 zoning district, a property maintenance shed may be built, without the need for a principal residence as long as a conditional use permit is obtained first.

Definition: Property maintenance shed. A small utility structure, no larger than 600 square feet, used exclusively for storage of materials or equipment in conjunction with the maintenance of the property. Property maintenance sheds may be allowed on properties without a principal residence. Property maintenance sheds have no plumbing fixtures and cannot be used for living or sleeping purposes.

RESOURCE PROTECTION: The property contains areas of resource protection (floodplain/wetland) associated with Koshkonong Creek, and some “oxbow” ponds near the main creek channel. The proposed maintenance shed would be located away from the creek and outside of the wetlands, floodplain, and 75-foot wetland buffer that exist along the creek.

COMPREHENSIVE PLAN: The property is located in the town’s agricultural preservation area. The comprehensive plan does not address conditional uses for property maintenance sheds prior to a residence being constructed on a property.

However, given the applicable size limitations (600 sqft) and prohibition on plumbing fixtures, or use for human habitation, the likely impact to neighboring properties would be minimal. Pending any concerns raised by the town in the course of its review, the proposed conditional use appears reasonably consistent with comprehensive plan policies.

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 applicant states that the building will be, “...small and used for storage only.”

- 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 location of the project is in a rural area and should have no impact on 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 proposed building meets all setbacks and will not change other development of other properties.”

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 zoned for agriculture/open space and low density rural residential. There are only 2 residences located over 1,000’ away from the property.

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

The applicant states that no improvements are needed for the proposed maintenance shed.

- 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 indicates that the maintenance shed, “...will not impede or impact 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 RM-16 zoning district. As noted elsewhere in this report, property maintenance sheds under 600 sq ft. in size is an allowable conditional use in the RM-16 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 nuisances that pertain to maintenance sheds most likely involve them being used as a residential dwelling space. The applicant's CUP application addresses how these potential nuisances are handled, as noted above. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for property maintenance sheds.

TOWN ACTION: The Town Board recommends approval of the CUP with no special conditions.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. Pending any comments at the public hearing, staff recommends approval of the petition with the standard conditions of approval listed below.

CUP 2675 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.

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