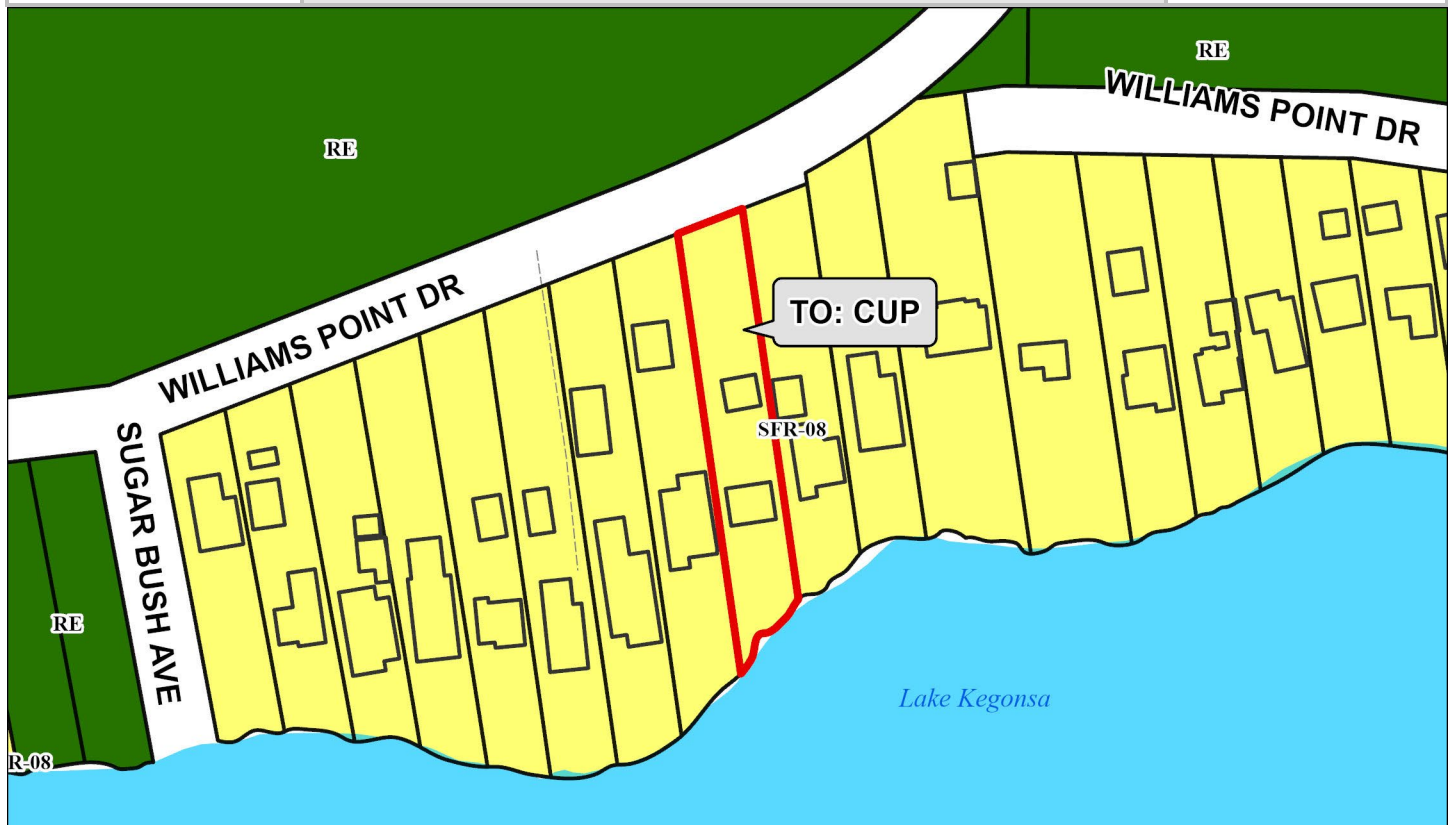


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| <b>Staff Report</b><br><br><br><br><b>Zoning &amp; Land Regulation Committee</b> | <u>Public Hearing:</u> <b>October 28, 2025</b>                                                           |                         | <b>Conditional Use</b><br><b>02680</b>                       |
|                                                                                                                                                                   | <u>Zoning Amendment Requested:</u><br><b>TO CUP: Accessory Building between 12 and 16 feet in height</b> |                         | <u>Town, Section:</u><br><b>PLEASANT SPRINGS, Section 19</b> |
|                                                                                                                                                                   | <u>Size:</u> <b>0.53 Acres</b>                                                                           | <u>Survey Required:</u> | <u>Applicant:</u><br><b>ANN M HEASLETT</b>                   |
|                                                                                                                                                                   | <u>Reason for the request:</u><br><b>Accessory Building between 12 and 16 feet in height</b>             |                         | <u>Address:</u><br><b>2239 WILLIAMS POINT DRIVE</b>          |



**DESCRIPTION:** Ann Heaslett requests a conditional use permit (CUP) in order to build an accessory building between 12 and 16 feet in height. Current SFR-08 zoning limits accessory buildings to 12 feet tall (measured as the average between the roof peak and eaves, in relation to the ground in front of the building). Proposed height is 15' 6".

**OBSERVATIONS:** The property is in residential use and is a half-acre in size. The neighboring lands contain residential lots to the east and west along Lake Kegonsa, and open space (zoned RE Recreational) to the north.

The proposed construction would meet the requirements of SFR-08 zoning, if the CUP is approved. An accessory building up to 16 feet in average height is an allowable conditional use in the SFR-08 zoning district. During construction, a location survey will be required after the foundation is poured and before construction goes vertical, per s. 10.101(2).

**COMPREHENSIVE PLAN:** The property is located in the Lake Kegonsa & Lower Yahara River Residential planning area under the town's comprehensive plan. This area coincides with the Pleasant Springs Sanitary District and covers areas of existing development. The comprehensive plan does not specifically address the proposed conditional use, but includes policies designed to maintain neighborhood character. The previous garage on the property was not visible from Williams Point Drive, and there are no residences located on the opposite side of the road whose views of the lake could be obstructed by a slightly taller accessory building. The proposal is unlikely to have any negative impacts and 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](mailto:Allan.Majid@danecounty.gov).

**RESOURCE PROTECTION:** The property is subject to shoreland zoning regulations; a Shoreland Zoning Permit will be required prior to construction. Disturbance in shoreland zone also requires a Shoreland Erosion Control Permit. FEMA Floodplain is mapped over the southerly portion of the property. The property has an established Floodplain elevation of 845 feet (Zone AE); the garage will be outside the floodplain area.

**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 applicant states that the garage will be more attractive and safe than the old garage, and will conceal vehicles, trash cans, garden tools, canoes and kayaks and other items that would otherwise be in the yard. The building would be used for storage only, no occupancy (aka human habitation).

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 15’-6” height should not be a detriment to neighbor’s views, as there is no residence on the other side of the road, the garage will be at the base of a hill twelve feet below the road, and is smaller than the 35’ height that would be allowed if the garage were attached to the house. In addition, the house is a modestly sized, 1750 square foot single-story home.

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*. This lot and most of the surrounding properties are already developed for residential use. The applicant states that the garage is detached from the house and located north of any likely future property development by neighbors on either side.

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 already in place. The garage would use the existing driveway.

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 garage would provide off-street parking in addition to the existing driveway. No impacts to ingress/egress.

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. The garage height of 15.5 feet is an allowable conditional use in the SFR-08 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 the requested conditional use permit most likely involve aesthetics. Based on the layout of the property and proposed location of the accessory building, the likelihood of such impacts is limited.

**TOWN ACTION:** The town recommended approval of the CUP with no 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 that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above, and (2) approval with the conditions listed below.

***CUP 2680 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 Specific to CUP 2680:*

13. During construction, a location survey shall be required after the foundation is poured and before construction goes vertical, as applicable per DCCO s. 10.101(2).

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