
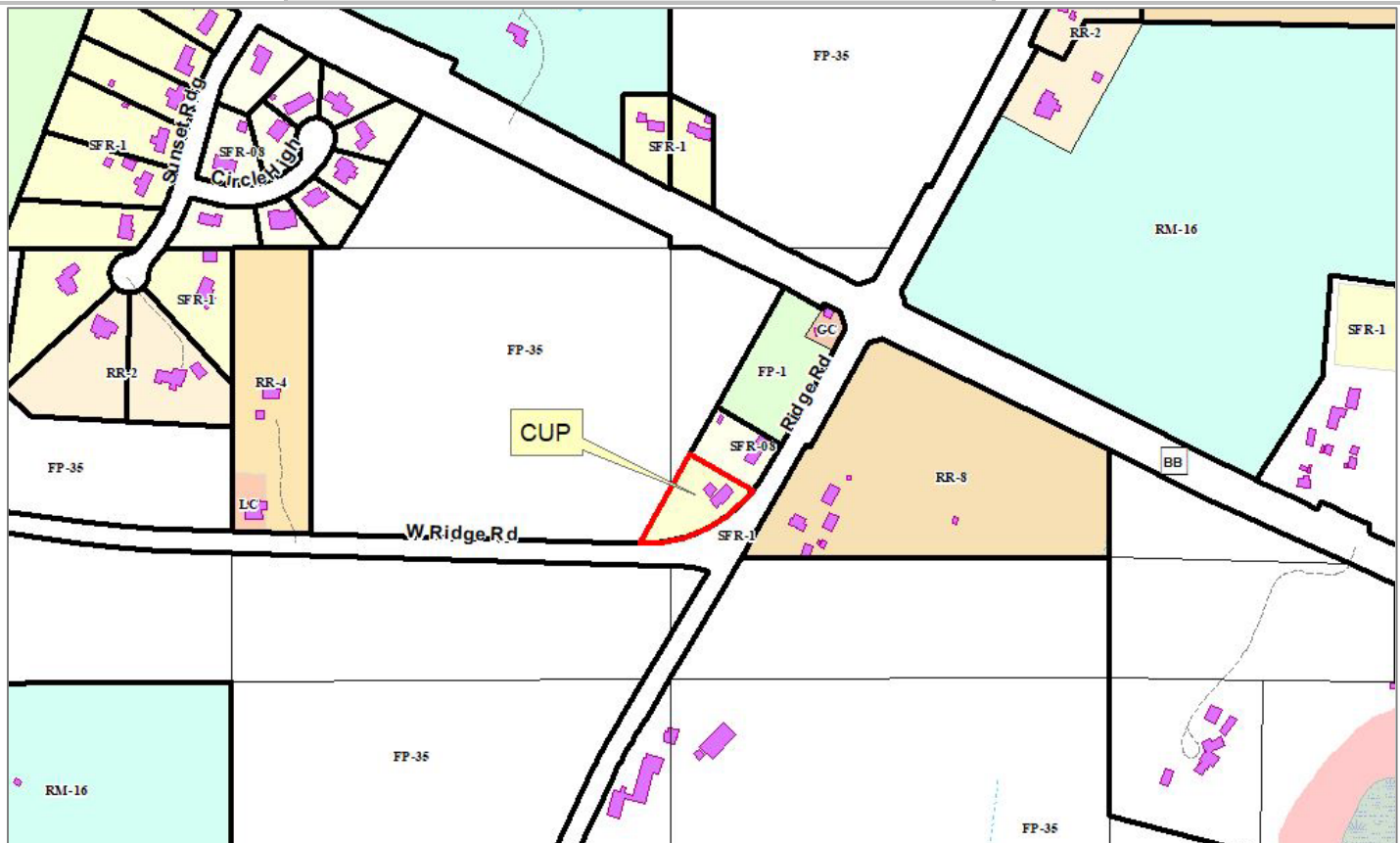


Staff Report  Zoning & Land Regulation Committee	Public Hearing: May 27, 2025 Report updated for the June 10, 2025 ZLR meeting		Conditional Use 02660
	Zoning Amendment Requested: TO CUP: Limited Family Business - contractor		Town, Section: COTTAGE GROVE, Section 14
	Size: 1.1 Acres	Survey Required:	Applicant: ALLISON RODRIGUEZ AND JOSUE RODRIGUEZ MORENO
	Reason for the request: Limited Family Business - contractor		Address: 4185 RIDGE RD



DESCRIPTION: Applicants request a conditional use permit (CUP) for a limited family business, to operate a contractor remodeling business within an existing detached garage and a new 35'x60' (2,100 square foot) accessory building that they would build. The business, Delta Remodeling LLC, is a small residential remodeling company with one employee aside from the applicants/landowners. Work is done primarily at customers' homes; the buildings here would be used for material and equipment storage as well as carpentry work (fabricating custom shelving, painting and staining materials). A related rezone petition was submitted to rezone the lot to RR-1 Rural Residential, which would be necessary because the current SFR-1 zoning does not allow for limited family businesses. See [rezone petition #12164](#).

OBSERVATIONS/ FACTUAL INFORMATION: The property is a 1.1-acre residential lot described as Lot 2 of certified survey map #1306. The neighboring lands are in agricultural use on most sides (with FP-35 zoning to the west, south, and southeast), and there are three single-family residences located within 500 feet of the property (with SFR-08, RR-8, and GC General Commercial zoning). A limited family business is an allowable conditional use in the RR-1 zoning district.

The current and proposed site plan complies with county ordinance requirements for the RR-1 zoning district, including lot size, building setbacks, and lot coverage by buildings. The site plan submitted by the applicants shows the proposed pole barn, existing buildings, and proposed driveway upgrades.

The new building would be accessed using the existing driveway that wraps around to the detached garage in back of the house. Upon initial review of the application, Staff noted concerns with the driveway to the new building potentially

having to cross over the septic drain field, and asked for a more detailed plan. The house was built in the mid-1970s. The applicants had the septic system verified on site and submitted a revised site plan that clarifies the location of the septic system and includes a clearer driveway plan to serve the storage building. (See [Town Action section below for a modified driveway plan from W. Ridge Road.](#)) This resolves the concern.

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

COMPREHENSIVE PLAN: The Town's Comprehensive Plan supports limited family businesses, but states that efforts should be made to utilize existing residences and outbuildings before constructing new ones. For questions about the town plan, 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 remodeling business will operate entirely within the accessory building(s) on the property, otherwise in customers' homes off site. They expect they would continue to keep one enclosed trailer and one work truck outdoors.

Staff notes there are 3 homes within 500 feet of the property, one of which may have a fabrication home business and another appears to be a former filling station site dating back to 1930s original zoning. Keeping a trailer and work truck outdoors would not be unusual for a rural residence without a business use; however, the amount and location of any outdoor equipment storage or parking could be limited by CUP conditions.

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 this standard would be met because the neighborhood is rural and dispersed, and the proposed conditional use is small enough in size and similar in nature to other activities happening in the neighborhood. The proposed hours of operation are Monday-Friday from 7:30am to 5:30pm. Equipment used for the business would include saws, drills, air compressors, paint sprayers, a CNC machine, three trailers, one skid steer, and one mini skid steer.

Applicants state that, while they expect the impacts to be negligible, the primary issues would be noise and dust. They would mitigate these by only operating the carpentry shop during the stated business hours, with the doors and windows closed, and using a centralized dust collection system.

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 applicants state that the conditional use would enable them to build an additional storage building for the business, which would make it possible for all business activities to happen inside the buildings on the property.

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 either in agricultural use with farmland preservation zoning, or are already developed as residential use. The proposed conditional use would not seem to limit the ability of the surrounding lands to be developed or improved.

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

The applicant states that electrical utilities will be connected to the house during construction and drainage will be planned so as not to cause issues for neighboring property.

Staff notes that the utilities, access roads, drainage, and other improvements needed for the proposed use are mostly in place. The existing driveway is in disrepair and would need to be repaved and extended to properly serve the new storage building and business operation (see Town Action section below for modified driveway plan). The proposed site plan provides for this. In addition, the applicants hired a plumber to locate the septic components and also locate an alternative location for a drain field should the existing septic system ever fail. No sanitary fixtures are proposed in the accessory buildings.

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 the existing driveway and garage. The applicant states that the conditional use will not impact traffic congestion in the public streets. The application notes there would be only one full-time employee in addition to the property owners who live there. See Town Action section below.

6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.*

The proposed site plan meets RR-1 zoning requirements. A limited family business is an allowable conditional use in the RR-1 district, provided the business meets the requirements for limited family businesses in the Chapter 10 zoning ordinance. The applicants state their business operation will meet these requirements.

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. The existing detached garage is roughly 30x30 feet in size and is already used for the applicant's personal/residential storage. While some of that building would be used as storage for the contractor business, it is insufficient and thus the proposal for the new building.

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, traffic, and storage of vehicles/equipment/materials. The applicant's CUP application addresses how these potential nuisances are handled, 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(12), there are other 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.*

TOWN ACTION: On June 2nd, the Town Board recommended approval of the CUP with the following conditions:

1. The petitioners should abandon their plan to access the proposed new building for the limited family business with a new driveway behind the house and instead apply to the Town for a second driveway off of W. Ridge Rd.
2. No outdoor storage.

MAY 27TH ZLR HEARING: On May 27th the ZLR Committee held a public hearing and postponed action to allow more time for the town to take action on the petition. There were no comments in opposition. Zoning Staff thought that, while the town had yet to fully evaluate the proposal, the applicant had provided sufficient evidence to address the CUP standards and mitigate the potential concerns.

STAFF RECOMMENDATION (updated): As noted above, the Town Board considered the proposal and determined that the driveway access for the new building would be best done with a second driveway onto W. Ridge Road. This was due to the fact that a driveway of the length shown on the applicants' site plan would need to be built to town road standards (a town ordinance requirement) and also because the fire department / emergency services would be more likely to access the site from W. Ridge Road, in the event of an emergency.

Staff believes that the applicants have provided sufficient evidence to satisfy the CUP standards. This includes the site plan, the proposed driveway improvements (as modified by the Town Board), hours of operation (no weekends or evenings), and provisions for dust collection and noise mitigation. If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff.

Staff recommends that the ZLR Committee (1) makes a finding of fact as to whether the proposal meets the CUP standards listed above and (2) we recommend approval with the CUP conditions below.

CUP 2660 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 CUP # 2660:

13. 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.
14. Hours of operation shall be 7:30am to 5:30pm Monday through Friday.
15. Sanitary fixtures in the accessory buildings are prohibited.
16. The petitioners shall abandon their plan to access the proposed new building for the limited family business with a new driveway behind their house, and instead shall apply for a town driveway permit for a second driveway off of W. Ridge Road.
17. Outdoor storage is prohibited.
18. This permit shall automatically expire on sale of the property or the business to an unrelated third party.

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