


Staff Report  Zoning & Land Regulation Committee	<i>Public Hearing:</i> July 23, 2024	Conditional Use 02625
	<i>Zoning Amendment Requested:</i> Conditional Use Permit (CUP) in the SFR-08 district	<i>Town, Section:</i> ALBION, Section 36
	<i>Size:</i> 0.2 Acres	<i>Survey Required:</i>
	<i>Reason for the request:</i> C.U.P. FOR TRANSIENT OR SHORT-TERM LODGING (SHORT-TERM RENTAL)	<i>Applicant:</i> AMANDA K DILLE
		<i>Address:</i> 240 KOSHKONONG DR



DESCRIPTION: Amanda Dille requests a conditional use permit to use her cabin home for short-term rentals. The home is a secondary home currently used as a vacation home. The request is for rental up to 6 guests. No new construction proposed.

OBSERVATIONS: The property is located in the Highwood Estates neighborhood which was platted in the 1920s. This and surrounding properties are small residential lots zoned and developed for residential use.

Transient or tourist lodging is listed as an allowable conditional use in the SFR-08 zoning district. The property is served by municipal sanitary sewer, so there are no septic system capacity concerns applicable to this conditional use. Section 66.1014 of [state statutes](#) provides protections that allow the short term rental of residences for periods of 1 week or longer. Local governments may enact ordinances to regulate short term rentals, but may only limit rentals to no fewer than 180 days (either consecutive or non-consecutive) in any consecutive 365 day period.

COMPREHENSIVE PLAN: The property is located within the town’s residential / lakeshore neighborhood planning area where public sewer is provided by the Consolidated Koshkonong Sanitary District. Town plan policies do not specifically address short term vacation rentals.

The Town of Albion has a short term rental ordinance which prohibits the rental of any residence for a period of 2 days or fewer, and limits occupancy to no more than 2 persons per bedroom plus an additional 2 persons. The town ordinance does not limit the number of days within a 365 day period that a rental can be offered, and licenses must be

renewed annually on or before June 30. In addition to the town license, all such 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 indicates that they will obtain and maintain both the Albion and PHMDC licenses.

If approved, the property would be used for residential purposes within a residential neighborhood, subject to town ordinance licensing requirements that align with state allowances for short term rentals. Pending any concerns raised at the ZLR Public Hearing, or by the Town in the course of its review, the proposal 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.

RESOURCE PROTECTION: The property is located within the shoreland zone, due to proximity to Lake Koshkonong. However no new construction is proposed; staff has no concerns or additional comments.

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 issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. 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 there should be no concern about this item because they will follow all guidelines for short-term rentals in Dane County. This includes walk-throughs with the Fire Department, as well as licensing requirements of the town.

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 has already obtained 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 home follows suit with all homes in the area and is well kept and maintained. They state that they have house rules in place, in keeping with the local township ordinance, there are no outdoor events past 10pm, and they do not allow parties of any sort. They state the house can only sleep 6 people so noise should be minimal. There is an outdoor seating area between the garage and home, with string lights set on a timer; this area is also behind a privacy fence so as not to be visible to neighbors.

Some or all of these measures can be made into conditions of approval on the CUP, see staff recommendations below. For example, limits on the number of guests and establishing quiet hours are commonly used to control noise, which is a common concern that arises with short-term rental proposals.

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 rental of the home will not limit neighbors' ability to develop and improve their property. As noted above, this property and the surrounding properties are already developed and zoned for residential use. In addition, there are other homes used as short-term rentals in the area.

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 rental operation. The utilities, access roads, drainage, and other improvements needed for the proposed use are adequate. The home is on public sanitary sewer; thus staff has no concerns with sanitary facilities with regard to the requested number of guests.

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 a driveway approximately 20x60 feet in size. The applicant states that they should never have more than 1 to 3 cars at the house, though there is a 2-car garage and a driveway that can fit at least 4 more vehicles.

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 short-term lodging is an allowable conditional use in the zoning district. Applicant states the rental will have a license from Public Health and the Town of Albion, as well as inspections by the Fire Department

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 most likely 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: On June 4, 2024 the Town Board approved the CUP with no conditions. See staff recommendation below for standard conditions from the zoning ordinance.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information described the sections above including the limited number of guests (6), the driveway that is large enough to accommodate four vehicles, and the sanitary sewer.

Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards, and (2) we would recommend approval with the conditions listed below, pending any conditions the town may impose. The conditions below reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs.

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.

CUP 2625 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits:

1. Any conditions required for specific uses listed under s. 10.103.
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 # 2625:

13. The rental shall be limited to 6 overnight guests as requested in the application.

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