

Main Office
920-262-4060

Nikki Zimmerman
920-262-4045

Doug Zwieg
920-262-4062

Brian Zirbes
920-262-4041

Dell Zwieg
920-262-4042

Dennis Quest
920-262-4061

Mark Hady
920-342-0986

TO: Plan Commission
DATE: October 14th, 2024
SUBJECT: 321 Front Street, Conditional Use Permits - CUP

A request by Josh Schuett for a Conditional Use Permit (CUP) to allow a combination of accessory structures exceeding a total of 1,000 square feet. Parcel PIN(s): 291-0815-0331-016

SITE DETAILS:

Acres: 0.575

Current Zoning: Single-Family Residential (SR-4)

Existing Land Use: Single-Family Home

Future Land Use Designation: Single-Family Residential

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a CUP to exceed the 1,000 sq ft maximum for accessory structures. The proposed attached garage will be approximately 1,382 square feet. No other accessory structures exist on the property. The maximum area of the lot that can be covered by accessory structures is 10%. The existing residential lot consists of 25,047 square feet of area of which 10% is 2,505 square feet. The square footage of the proposed accessory structure would not exceed 10% of the lot area.

STAFF EVALUATION:

Land Use and Zoning:

1. Within the Single-Family Residential (SR-4) Zoning District, a 'Private Residential Garage or Shed' is an accessory land use permitted by right *[per § 550-24C(1)(b)]*.
2. Within the Single-Family Residential (SR-4) Zoning District, the maximum accessory building coverage is 10% of the lot area *[per § 550-25F(1)(e)]*.
3. Within Accessory Land Uses, applicable regulations for a 'Private Residential Garage or Shed' are detailed under 'Detached residential garage, carport, utility shed, play structure, or lawn ornament' *[per § 550-56C]*.

Applicable regulations for a 'Detached residential garage, carport, utility shed, play structure, or lawn ornament' land use include the following:

- One attached or detached garage and two accessory structures shall be permitted by right *[per § 550-56C(1)(a)]*.
- A conditional use permit is required for:
 - A combination of accessory structures exceeding a total of 1,000 square feet *[per § 550-56C(1)(b)(1)]*; or
 - More than two accessory structures *[per § 550-56C(1)(b)(2)]*.

WISCONSIN STATUTES:

All Conditional Use Permits are subject to the requirements of Wisconsin Act 67.

Under 2017 Wisconsin Act 67: Section 16. 62.23 (7) (de) Conditional Use Permits.

1. 62.23 (7) (de)(1) In this paragraph:
 - a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.
 - b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
2. 62.23 (7) (de)(2)
 - a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
 - b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.
3. 62.23 (7) (de)(3)

Upon receipt of a conditional use permit application and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.
4. 62.23 (7) (de)(4)

Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.
- 62.23 (7) (de)(5)

If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.

PLAN COMMISSION DECISION:

Private Residential Garage or Shed CUP Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
Square footage is below the maximum accessory building coverage of 10% of the lot area.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
A conditional use permit is required for a combination of accessory structures exceeding a total of 1,000 square feet.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
A conditional use permit is required for more than two accessory structures.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No

If Plan Commission answers "no" to any of the questions, above, the CUP must be denied. Otherwise, proceed to the conditions of approval.

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

1. Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.
2. Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.
3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission:

ATTACHMENTS:

- Application materials