

BUILDING SAFETY & ZONING DIVISION
PLAN COMMISSION STAFF REPORT

TO: Plan Commission
DATE: July 13th, 2026
SUBJECT: 1415 Center Street, Conditional Use Permit - CUP

A request by Missy and Kevin Kuckkan for a Conditional Use Permit (CUP) for exceptions to home occupation standards. Parcel PIN(s): 291-0915-3311-049

SITE DETAILS:

Acres: 0.57
Current Zoning: Single-Family Residential (SR-4)
Existing Land Use: Single-Family Residence
Future Land Use Designation: Single-Family Residential

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a conditional use permit for exceptions to the home occupation standards to convert an existing residential garage space into a commercial kitchen. The proposed commercial kitchen will be used to produce and package mushroom products including gourmet crackers, dehydrated mushrooms, and seasonings. The operation will have no retail sales to the public. Deliveries will utilize standard parcel services such as UPS, FedEx, and USPS. No significant exterior modifications will be made to the exterior of the home. The home occupation will be operated by the residents of the home.

STAFF EVALUATION:

Land Use and Zoning:

1. Within the Single-Family Residential (SR-4) Zoning District, a 'Home Occupation' is an accessory land use permitted by right *[per § 550-24C(1)(c)]*. A 'Home Occupation' provides a means to accommodate a small home-based family or professional business without the necessity of a rezoning *[per § 550-56J]*.

Applicable regulations for all 'Home Occupation' land uses under §550-56J(1) include the following:

- a) The home occupation shall be conducted only within the enclosed area of the dwelling unit and not within a garage.
- b) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
- c) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
- d) No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
- e) Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed two square feet.
- f) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- g) A permitted home occupation is restricted to a service-oriented business prohibiting the mass production of items or products or the sale of items or products on the premises. Examples of service-oriented businesses are, but are not limited to, computer programming, accounting, insurance agency and computer-based consulting and clerical services.
- h) A permitted home occupation shall not occupy more than 30% of the floor area of the dwelling.
- i) Persons employed by a permitted home occupation shall be limited to the resident family members only.
- j) Under no circumstances shall a vehicle repair or bodywork or auto-detailing business qualify as a home occupation.

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- k) The Plan Commission may approve home occupations in residential districts which do not meet standards in Subsection J(1)(a) through (j) above as conditional uses subject to the following:
- [1] The types and number of equipment or machinery used on the conditional use site may be restricted by the Plan Commission.
 - [2] Sale or transfer of the property or expansion of the home occupation shall cause the conditional use permit to be null and void.
2. Under §550-56J(1)(k) the Plan Commission may approve home occupations in residential districts which do not meet standards in §550-56J(1) (a) through (j).

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.

5. 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:

Exceptions to Home Occupation Standards CUP Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
The Plan Commission may approve home occupations in residential districts which do not meet standards in §550-56J(1) (a) through (j) as conditional uses subject to the following:						
<i>The types and number of equipment or machinery used on the conditional use site may be restricted by the Plan Commission.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>Sale or transfer of the property or expansion of the home occupation shall cause the conditional use permit to be null and void.</i>	<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.

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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:
 - a. The home occupation shall be granted exceptions to §550-56J(1)(a) and §550-56J(1)(g) to allow for conversion of an existing garage into a commercial kitchen to produce food products.
 - b. The home occupation shall abide by all other non-exempted regulations under §550-56J(1).
 - c. The home occupation shall be limited to the existing garage.
 - d. The types and number of equipment and machinery used in the home occupation shall be limited to equipment and machinery shown in the application materials.
 - e. Sale or transfer of the property or expansion of the home occupation shall cause the conditional use permit to be null and void.

STAFF RECOMENDATION:

- Staff recommends approval of this Conditional Use Permit with conditions.

ATTACHMENTS:

- Application materials