



Public Hearing Item 8: Conditional Use Permit

Planning & Zoning Committee • August 6, 2024

Proposed Use: Tourist Rooming House

Applicable Section(s): 12.110.02; Table 12.110.01(1); 12.125.10(1); 12.125.11(1)

Zoning District(s): R-1 Single-Family Residence

Property Owner(s): Gallagher, Thomas A; Gallagher, Amy J

Applicant: A to Z Properties, LLC c/o Shane and Amy Johnson

Property Location: Located in the Southeast Quarter of the Northwest Quarter of Section 8, Town 10 North, Range 8 East

Town: Lodi

Parcel(s) Affected: 267.05

Site Address: W11517 County Highway V

Background:

Thomas A and Amy J Gallagher, owners, request the Planning and Zoning Committee review and approve a Conditional Use Permit for a Tourist Rooming House on the aforementioned property. Section 12.155.05(12)a. of the Columbia County Zoning Code defines a Tourist Rooming House as, “a single-family dwelling licensed by the state used as a lodging place or tourist cabin or cottage rented to tourists or transients for the purpose of overnight lodging for a period of not less than 1 night and not more than 30 consecutive days other than ongoing month-to-month tenancy granted to the same renter for the same unit”. The property does not have road frontage but is accessed off of County Highway V. An access variance was approved by the Planning & Zoning Committee on August 7, 2018. There is also a joint driveway and joint well agreement recorded on this property with the owners’ adjacent parcel, 267.04. The property currently contains the renovated 2-story cottage with a detached garage. It is zoned R-1 Single-Family Residence, and is located within the Okee Sanitary District. Land use and zoning of adjacent properties are shown in the table below.

Adjacent Land Uses and Zoning

Direction	General Land Use	Zoning
North	Single-Family Residence	R-1 Single Family Residence
East	Single-Family Residence	R-1 Single Family Residence
South	Lake Wisconsin	-
West	Single-Family Residence	R-1 Single Family Residence

Analysis:

The 24’x24’ cottage on the property has been used in the past as a multi-unit short-term rental. There are two bedrooms, two living rooms, two kitchen areas, and two bathrooms in the cottage. There is also a detached garage on the property. The owners currently reside full time in the adjacent single-family residence on parcel 267.04. A Tourist Rooming House requires a Conditional Use Permit per Table 12.105.02(1) of the Columbia County Zoning Code. In addition to the Conditional Use Permit, the Columbia County Zoning Code outlines several requirements for a Tourist Rooming House in Section 12.125.11(1). The current owner obtained a Conditional Use Permit to operate a tourist rooming house, or short-term rental, on the property on March 1, 2022. Condition #1 of the previously approved Tourist Rooming House, which is in accordance with Section 12.125.11(1)(g), prohibits the Conditional Use Permit from being transferred to another owner. The property is

currently in the process of being sold; therefore, the previously approved CUP will be considered void at the time of the sale. The new owners, Amy J and Shane J Johnson, d/b/a A to Z Properties LLC, are proposing to continue the use of the residence on the property as a tourist rooming house, with the same conditions as the previous owners. The new owners, Amy J and Shane J Johnson, d/b/a A to Z Properties LLC, reside full time in the adjacent single-family residence on parcel 267.04. The buyers are not proposing any changes to the 2022 CUP; therefore, all conditions remain unchanged. A new condition will be added effectuating this Conditional Use Permit upon Amy J and Shane J Johnson, d/b/a A to Z Properties LLC, taking ownership of the property.

The property owner has outlined additional terms for the Tourist Rooming House, such as pet allowances and standard clean-up procedures. The additional rental details, a layout of the property, and other pertinent details are attached. Some of the owners' conditions have been incorporated as conditions to consider below.

Town Board Action:

The Lodi Town Board met on July 9, 2024 and recommended approval of the Conditional Use Permit with conditions.

Standards for Review:

The proposed use complies with the General Criteria of Section 12.150.07(4) of the Columbia County Zoning Ordinance. See Attachment A for more details.

Recommendation:

Staff recommends approval of the Conditional Use Permit for a Tourist Rooming House, subject to the adoption of the following recommended Findings, Conclusions, and Conditions.

Recommended Findings of Fact:

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. Thomas A and Amy J Gallagher are the owners of the subject property.
 - b. Amy J and Shane J Johnson, d/b/a A to Z Properties LLC are the buyers of the subject property.
 - c. Amy J and Shane J Johnson, d/b/a A to Z Properties LLC are the applicants for a Conditional Use Permit.
 - d. The property is already developed with a single-family residence and driveway on site.
 - e. The property does not have road frontage and is accessed via an existing easement off of County Highway V.
 - f. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - g. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
 - h. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - i. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - j. The site has adequate utilities, including acceptable disposal systems.
 - k. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - l. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

Recommended Conclusions of Law:

1. The subject property is located in the Town of Lodi and is zoned R-1 Single-Family Residence.
2. A Tourist Rooming House is a conditional use within the R-1 Single-Family Residence zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.

4. Thomas A and Amy J Gallagher and Amy J and Shane J Johnson, d/b/a A to Z Properties LLC are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.
5. The petitioners are proposing to use an existing single-family residence as a Tourist Rooming House, which is allowed as a Conditional Use under Table 12.110.02(1).
6. The Lodi Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Code.
7. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)b. and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
8. The standards of Section 12.125.11(1) of the Columbia County Zoning Code as noted below are applicable:
 - (a) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
 - (b) The number of guest vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
 - (c) Must meet all requirements associated with a single-family dwelling in Section 12.125.10(1). The appearance or use of the tourist rooming house shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
 - (d) The availability of the tourist rooming house to the public shall not be advertised on site.
 - (e) Must be licensed by the State of Wisconsin.
 - (f) In addition to any state required license fee, each operator of a tourist rooming house shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
 - (g) Conditional use permit may be subject to revocation or alteration if the Planning and Zoning Committee finds that these standards, the recommended Conditions adopted by the Planning and Zoning Committee, or the standards for all conditional use permits in Section 12.150.07(4) are not being met.

Recommended Conditions for the Decision:

1. The Conditional Use Permit shall become effective upon Amy J and Shane J Johnson, d/b/a A to Z Properties LLC taking ownership of the subject property, afterward, the Conditional Use Permit shall not be transferable to another owner.
2. Accessory structures and camping units shall not be used as habitable structures.
3. Quiet hours shall be 10:00 pm – 8:00 am on weekdays and 11:00 pm – 8:00 am on weekends. Noise levels at the property line shall not exceed 55 dBA during these hours.
4. Pets shall be prohibited.
5. All fires shall be located within proper fire pit structures and shall be extinguished during established quiet hours.
6. The use of fireworks shall be prohibited.
7. The use of firearms shall be prohibited.
8. Special events or parties in which more than one and one-half the permitted number of occupants are temporarily present on the premises shall be prohibited.
9. Parking must be provided on-site, with a maximum of two (2) vehicles allowed. All off-street parking shall be on a paved or gravel surface and shall be arranged to facilitate easy ingress/egress of all vehicles.
10. Occupancy associated with the Tourist Rooming House shall be limited to six (6) persons.
11. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.

12. The 24-hour contact number shall be posted near the primary entrance door on a sign no larger than 12"x18" in case of a complaint or emergency. If the owner does not live within one hour's drive of the tourist rooming house, there shall be a local contact person.
13. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
14. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
15. Garbage and recycled materials shall be properly stored and disposed of regularly.
16. The owner's website or other advertising site shall state that there are local government conditions and restrictions associated with this Tourist Rooming House in order to maintain a predominately single-family, owner-occupied character of the surrounding area.
17. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
18. The appearance or use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
19. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
20. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reasonable notice outside of normal hours.
21. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
22. In addition to any State required license fee, each operator of a Tourist Rooming House shall provide the County with an annual fee and an annual report on a form furnished by the County to confirm compliance with any applicable requirements or conditions of approval.
23. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Lodi and Thomas A and Amy J Gallagher and Amy J and Shane J Johnson, d/b/a A to Z Properties LLC are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.

Section 12.150.07(4): Criteria for review of all Conditional Uses
Re: Public Hearing Item 8: Gallagher-Johnson Tourist Rooming House

**Staff comments are italicized after each review item.*

Review Criteria. In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making a decision.

- (1) The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands. *The use as a vacation home is similar to other single-family uses in the area but the occupancy is short term and typically not by the owner. Issues which could be seen as having the potential to be detrimental appear to be able to be adequately mitigated by the application of conditions of approval.*
- (2) The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area. *The single-family residence is existing, and nothing will be done to the house to change its appearance. There will be no change to the physical character of the area. Operating within the conditions of approval will ensure that the proposed use will not substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.*
- (3) The erosion potential of site based on topography, drainage, slope, soil type, and vegetative cover. *The development is existing; therefore, the potential for erosion is limited.*
- (4) The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands. *The site is already developed.*
- (5) The site has adequate utilities, including if necessary acceptable disposal systems. *The property is located in the Okee Sanitary District.*
- (6) Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow. *Ingress and egress to the site is from an existing driveway located on a County Highway. The level of activity from the proposed use will not create congestion or affect traffic flow above and beyond the existing use on the property as a single-family residence. Access to the site is from an existing easement.*
- (7) The Conditional Use shall conform with the standards of the applicable district(s) in which it is located. *The proposed Tourist Rooming House must comply with the conditions of approval as well as the standards set forth within the Columbia County Zoning Code, specifically 12.125.11(1).*