

**TOWN OF BURKE
RESOLUTION NO. 08212024B**

**RESOLUTION BY THE TOWN OF BURKE BOARD OF SUPERVISORS
APPROVING A CONDITIONAL USE PERMIT (CUP) WITH CONDITIONS
SUBMITTED BY ANTHONY LINCOLN TO EXCEED THE HEIGHT LIMIT
FOR AN ACCESSORY BUILDING AT
5200 REINER ROAD, TOWN OF BURKE, WI.**

WHEREAS an application for a Conditional Use Permit to exceed the height limit on a residential accessory building on the property located at 5200 Reiner Rd, parcel number 0810-252-9150-0 was submitted to the Town of Burke for review and action by Wayne Schmiedlin for the purpose of a detached storage building; and

WHEREAS, the Plan Commission has reviewed the application; and

WHEREAS, a Public Hearing was held on August 21, 2024; and

WHEREAS, the Plan Commission recommends the Town Board approve the Conditional Use Permit with conditions; and

NOW, THEREFORE, the Town Board does hereby recommend the CUP with Conditions as follows:

Standard CUP Conditions. The town board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit, which are common across all CUPs:

- 1) Any conditions required for specific uses listed under s. 10.103 (see list 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 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 must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 12) 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.
- 13) 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. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

Conditions Unique to CUP 02635:

- 1) This conditional use is strictly for Anthony Lincoln located at 5200 Reiner Rd in the Town of Burke.
- 2) This conditional use is strictly for one detached accessory building on parcel 0810-252-9150-0.
- 3) The building may exceed the height of 12 feet but cannot exceed a height of 16 feet.
- 4) Driveway access must be on existing driveway off Reiner Rd.
- 5) Neighbor properties must not be negatively impacted.
- 6) All hazardous materials or liquids must be stored properly.
- 7) A location survey may be required by Dane County Zoning to verify setbacks.
- 8) A Zoning Permit may is required by Dane County Zoning.

The above Resolution was duly adopted by the Board of Supervisors of the Town of Burke, Dane County, Wisconsin, at a meeting on August 21, 2024.

APPROVED:

By  _____
Kevin Viney, Town Chair

ATTEST:

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PJ Lentz, Town Clerk/Treasurer