TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN NOTICE OF PUBLIC HEARING REGARDING CONDITIONAL USE PERMIT

PLEASE TAKE NOTICE in accordance with section 60.61(4e)(c) of the Wisconsin Statutes, that an application for a conditional use permit has been filed with the Town of Cottage Grove by Christopher and Heather Dyer. The Town of Cottage Grove Plan Commission will hold a public hearing on Wednesday, March 23, 2022, commencing at 7:00 p.m., at the Cottage Grove Town Hall, 4058 County Road N, Cottage Grove, WI 53527, to consider the application. The application proposes operation of a Limited Family Business in an existing outbuilding at 4075 Vilas Road, parcel #0711-163-8650-5.

A copy of the application and additional information concerning this matter is attached.

Kim Banigan, Clerk, Town of Cottage Grove

Town of Cottage Grove

Notice of Intent for Change of Land Use

(Instructions for completion of this form are list on the reverse side)

1. Applicant	2. Landowner		
Name: Christopher & Heather Dyer	Name: Christopher & Heather Dyer		
Address: 4075 Vilas Road	Address: 4075 Vilas Road		
Cottage Grove, WI	Cottage Grove, WI		
Zip: 53527 Phone: 608-345-2438	Zip: 53527 Phone: 608-345-2438		
Email: cdyer@morgandata.com	Email: cdyer@morgandata.com		
3. Location and description of Land			
Parcel No: 018/0711-163-8650-5	Parcel size: 5.3 acres		
Parcel address: 4075 Vilas Road, Cottage Grove,	WI 53527		
Description: Part of Lot Two (2), Certified Survey Map			
Document No. 1677707. Warranty Deed			
4. Action requested			
(A) Zone change from to	for acres		
(B) Conditional use permit for 5.3 acres curre			
(C) Site approval for on			
(c) she approvarior	acres (no rec)		
	existing barn. The business provides administrative services e associations. The business has a total of 4 employees, but only		
Christopher and Heather (the business owner	rs and property owners) will work on-site. The business will or waste and there will be no outdoor storage.		
6. Names and address of adjoining and adjacent landowners	s (use additional sheet if necessary)		
Name: Richard and Deborah Bollig	Name:Timothy and Brooke Vial		
Address: 4089 Vilas Road	Address: 4061 Vilas Road		
Cottage Grove, WI 53527	Cottage Grove, WI 53527		
Name:Edward and Karen Zabel	Name:		
Address: 4030 Vilas Road	Address: 4090 Vilas Road		
Cottage Grove, WI 53527	Cottage Grove, WI 53527		
I hereby certify that the information provided on this notice is true information shall be grounds for denial of my request. I also certify parcel(s) in the last twelve (12) months.	•		
Applicant Date 1	Landowner Date		



33 EAST MAIN STREET, SUITE 610
P.O. BOX 2236
MADISON, WI 53701-2236

tel (608) 257-2281 fax (608)257-7643

www.stroudlaw.com

jbartol@stroudlaw.com

February 9, 2022

VIA EMAIL AND U.S. MAIL

Roger Lane
Dane County Zoning Administrator
Dane County Planning & Development
210 Martin Luther King Jr. Blvd., Suite 116
Madison, WI 53703

Re: CUP Application for 4075 Vilas Road, Town of Cottage Grove

Dear Mr. Lane:

As you may recall, our firm represents Heather and Christopher Dyer with respect to their CUP application for a limited family business at 4075 Vilas Road (the "Property"). Enclosed please find the following documents:

- 1. The Conditional Use Permit Application,
- 2. The Site Plan drawn to scale for 4075 Vilas Road,
- 3. Exhibit A Legal Description for 4075 Vilas Road,
- 4. Our firm check in the amount of \$495 and payable to Dane County Treasurer, and
- 5. A floor plan depicting the interior functional areas contemplated by the limited family business.

The <u>eight standards</u> for approval, the <u>operational plan</u> for the limited family business, and the <u>statement of intent</u> for the conditional use permit/limited family business are summarized in the Application and discussed in more detail below.

Morgan Data Solutions, LLC ("MDS") is a Wisconsin limited liability company. Its sole members are the husband and wife team of Heather and Christopher Dyer. MDS is in the business of providing administrative services and strategic planning to non-profit organizations and



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business/trade associations. More specifically, it assists clients with their marketing, membership development, communication, and other administrative/management functions.

In addition to its two owners, MDS employs two other employees who work from their homes in Appleton and Verona. MDS's business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

MDS often assists its clients plan, organize, and run a board meeting or general membership meeting. Prior to the pandemic, such meetings might have been conducted at the MDS facility. However, the pandemic demonstrated to Heather and Christopher and to their clients that virtual meetings can be held more efficiently than in-person meetings. Accordingly, MDS no longer hosts meetings for clients at the MDS facility. If an in-person board or membership meeting is required by a client, it is held at a public facility, not the MDS facility.

Heather and Christopher purchased the Property in December of 2021. The Property consists of approximately 5.3 acres and includes a residence, a garage, and a barn. The Property is zoned RR-4. Heather and Christopher want to relocate MDS's offices from the current location in Madison to the Property for two reasons. First, they want to stop paying rent. Second, they want to work from home; more specifically, they want to work from "barn." Heather and Christopher want to adapt the lower level of their barn to enable them to work from the Property.

A "home occupation" is a permitted use under RR-4. However, the definition of home occupation requires that Heather and Christopher conduct their business within a dwelling not in an accessory building, such as their barn. A "family limited business" is a conditional use of RR-4. Because Heather and Christopher want to use their barn for their family business, they are applying for a conditional use permit.

The business operations contemplated for the conditional use are limited to (a) offices for Heather and Christopher, (b) video production for MDS's clients, (c) video conferencing with MDS's clients, and (d) storage of documents and electronic equipment. Heather and Christopher may occasionally meet on-site with a representative of a client.

The 8 standards for approval are discussed below, with further explanation provided in the Application and/or the Site Plan.



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 The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare of neighboring properties.

Heather and Christopher's business will be confined to providing administrative services from the lower level of their existing barn. No additional traffic, noise, or light will be generated. There will be no outdoor storage related to the conditional use. Heather and Christopher expect that the existence of their limited family business will be undetected by the neighboring property owners.

2. The uses, values, and enjoyment of other properties in the neighborhood already permitted shall in no foreseeable manner be substantially impaired or diminished by establishment, maintenance, or operation of the proposed conditional use.

Heather and Christopher's business will be operated entirely within the barn and will not impact other properties in the neighborhood. The nearest home to the west (4061 Vilas Road – zoned RR-4) is approximately 350' from Heather and Christopher's barn while the nearest home to the north (4089 Vilas Road – zoned SFR-1) is over 500' feet away. The property located at 4141 Vilas Road (zoned RH) and the property located east of Vilas Road (4030 Vilas Road - zoned RR-8) both appear to be used for agricultural and residential purposes. There is a wooded buffer surrounding Heather and Christopher's property and the proposed conditional use. Heather and Christopher's working from their barn will not impair or diminish their neighbors' use and enjoyment of their lots.

3. 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 conditional use consists of Heather and Christopher providing administrative services remotely to MDS's clients. These services will not create additional noise or obnoxious odors or require exterior storage of supplies, equipment, or inventory as might be present with a manufacturing use. Customers will not visit the site as with a retail use. In short, the proposed conditional use will not impede or impact their neighbors from pursuing permitted or conditional uses for their lots.



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4. Adequate utilities, access roads, drainage, and other necessary site improvements exist to allow the land use, or improvements are planned to provide adequate measures.

Heather and Christopher's business will be confined entirely to an existing accessory building which is currently served with the necessary utilities (with the possible exception of improved internet service). No additional site improvements will be necessary. Their business will not impact the Property's drainage. Heather and Christopher intend to renovate the lower level of the barn. The renovation will result in two offices, open workspace, a video production studio, and interior storage for client documents and electronic equipment (please see the enclosed floor plan). The location and size of these areas are largely dictated by existing walls, support beams, and doors. The open workspace will provide a publicly presentable space if Heather or Christopher have an on-site meeting with a representative of one of MDS's clients. The existing driveway onto Vilas Road (depicted on the enclosed Site Plan) can adequately handle the occasional third-party visitor such that no additional access road will be required.

5. Adequate measures have been or will be taken to provide adequate ingress and egress as to minimize traffic congestion in the public streets and the proposed conditional use will not present traffic conflicts.

The proposed conditional use provides administrative services which may result in a client occasionally visiting Heather or Christopher on-site. However, this is not a manufacturing use, so there will be no truck traffic delivering supplies or picking up inventory. Similarly, the conditional use is not retail so the Property will not be a destination for curious customers. The existing driveway encircles the barn; it will provide ample ingress, egress, and parking for the occasional visitor. There will be no congestion on or off from Vilas Road. If Heather and Christopher are able to work from home, one can expect a net decrease in traffic generated to and from their Property.

6. The conditional use shall conform to all applicable regulations of the district in which it is located.

As mentioned above, Heather and Christopher's business will be confined entirely to an existing accessory building, specifically, the barn located south of the residence. We understand that the barn currently complies with applicable regulations in the RR-4 district. The renovations to the barn are interior only and will not change the height, the setbacks, or the footprint of the barn. Thus, the conditional use should conform to all applicable zoning regulations.



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7. The conditional use is consistent with the adopted Town and County Comprehensive Plans.

The Property is located within a Resource Protection Corridor making it ill-suited for new, structural development. However, the conditional use involves an existing structure. No new building or site improvements are contemplated. Consistent with the Town of Cottage Grove's Comprehensive Plan and Natural Resource Objectives and Policies: (a) there will be no change in stormwater runoff, (b) no impact to surface water and groundwater, and (c) no change to wildlife habitat.

8. The conditional use will not be located in a Farmland Preservation District.

Please feel free to contact me with any questions you may have regarding this request for a conditional use permit or if there is any additional information you need.

Thank you for your consideration

Very truly yours,

STROUD, WILLINK & HOWARD, LLC

By:

Joseph P. Bartol

JPB/neb

Enc: Conditional Use Permit Application

Site Plan

Exhibit A – Legal Description

Check Floor Plan

cc: Heather and Christopher Dyer



Dane County Department of Planning and Development

Zoning Division Room 116, City-County Building 210 Martin Luther King Jr. Blvd. Madison, Wisconsin 53703 (608) 266-4266

Application Fees		
General:	\$495	
Mineral Extraction:	\$1145	
Communication Tower:	\$1145	
	(+\$3000 RF eng review fee)	
PERMIT FEES DOUBLE FOR VI	OLATIONS OR WHEN WORK HAS	

STARTED PRIOR TO ISSUANCE OF PERMIT

CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION			
Property Owner Name:	Heather & Christopher Dyer	Agent Name:	Joseph P. Bartol
Address (Number & Street):	4075 Vilas Road	Address (Number & Street):	33 E. Main Street, Suite 610
Address (City, State, Zip):	Cottage Grove, WI 53527	Address (City, State, Zip):	Madison WI 53703
Email Address:	cdyer@morgandata.com	Email Address:	jbartol@stroudlaw.com
Phone#:	608.345.2438	Phone#:	608.257.2281

SITE INFORMATION						
Township:	Town of Cottage Grove		Parcel Numbe	r(s):	018/0711-163-8650	-5
Section:	Section 17		Property Addr	ess or Location:	4075 Vilas Road, C	ottage Grove, WI 53527
Existing Zoi	ning: RR-4	Proposed Zoning: (CUP Code Sect	tion(s):	Section 10.103(12)	
		DE	SCRIPTION OF PRO	POSED CONE	DITIONAL USE	
Type of conditional use permit (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use): Limited Family Business Is this application being submitted to correct a violation? Yes No						
and busin conditiona a point of	less/trade as al use will no contact from	sociations. Organiations. Organiations	zation/association roup meetings. How and business/trade	meetings will bever, Heather associations	pe conducted virtually or Christopher may	to volunteer organizations y or at a public facility. The occasionally meet on-site with limited family business will with their clients.
			GENERAL APPLICA	ATION REQUI	REMENTS	
determin informati apply for	ed that all n ion from the particular u	ecessary informat checklist below m ses or as may be r	ion has been provinust be included. Nequired by the Zor	ded. <u>Only cor</u> lote that addi ling Administ	mplete applications	-
■ Complet informat for stand	tion sheet	■ Site Plan drawn to scale	■ Detailed operational plan	■ Written leg description boundaries	of statement of	en Application fee (non- refundable), payable to Dane County Treasurer

give permission for staff of the Dane County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby

Owner/Agent Signature:	Ext. South	_{Date:} 2/9/22

STANDARDS FOR CONDITIONAL USE PERMITS

Applicants must provide adequate evidence demonstrating to the Town and Dane County Zoning & Land Regulation Committee that the proposed conditional use satisfies the following 8 standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in sections 10.220(1) and 10.103 of the code.

Please explain how the proposed land use will meet the following standards (attach additional pages, if necessary):

1. The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

No additional traffic, noise, or light will be generated. There will be no outdoor storage related to the conditional use. See the attached letter for more detail.

2. 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.

Heather and Christopher wish to preserve the rural character and beauty of their Property and the area. Their business will be operated entirely within their barn and should have no impact on other properties in the neighborhood. See the attached letter for more detail.

3. 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.

Providing administrative services remotely by Heather and Christopher to their clients should not impede or impact their neighbors from pursuing permitted or conditional uses for their lots. See the attached letter for more detail.

4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.

The conditional use will not involve constructing any buildings or other site improvements. See the attached letter for more detail.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The conditional use will not involve retail or truck traffic. The existing driveway will provide ample ingress, egress, and parking. See attached letter for more detail.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

The conditional use is confined to an existing barn which complies with RR-4 regulations. See attached letter for more detail.

7. The conditional use is consistent with the adopted town and county comprehensive plans.

See attached letter.

- 8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary.
- Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:

Not applicable

• Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:

Not applicable

Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:

Not applicable

• Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:

Not applicable

• Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible:

Not applicable

WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN

Applicants must provide a detailed written statement of intent describing the proposed conditional use along with an operational plan that explains how the conditional use will be operated. Please use the form below and provide responses, as applicable, to your proposed conditional use. Attach additional pages, if necessary.

Describe in detail the proposed conditional use. Provide the specific location of the use(s), type of equipment used, planned property improvements, including description / size of existing or proposed new buildings to be used, and any other relevant information. For existing or proposed commercial operations, provide the name of the business and describe the nature and type of business activity.

The existing barn has approximately 5,300 sf. over two levels. The conditional use will be confined to the lower level of the barn (approximately 2,700 sf.). Heather and Christopher own and live at 4075 Vilas Road. The conditional use will enable their family owned business (MDS) to operate out of their barn. Their operations will consist of two offices, production studio, and storage for client documents and electronics. Their equipment is limited to computers, copier, large screen tv, and a camera. Improvements to the barn will include flooring, insulation, electrical, framing, drywall, paint, lighting, and HVAC. All improvements are inside; no exterior modifications.

Morgan Data Solutions, LLC (MDS) provides management solutions to non-profit associations that include accounting, website management, on-line registration processing, strategic planning, and event management (not hosting). To be clear, MDS plans and manages its clients' events; MDS will not host events at 4075 Vilas Road.

Please see attached letter for more detail.

List the proposed days and hours of operation.

Monday - Friday 8:00am to 5:00pm

List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.

Heather and Christopher will be the only on-site employees. MDS has two other employees who work from home (Appleton and Verona).

List any anticipated noise, odors, dust, soot, runoff or pollution associated with the conditional use, along with any proposed measures that will be taken to mitigate impacts to neighboring properties.

The conditional use is not anticipated to generate any noise, odor, dust, soot, runoff, traffic, drainage, or waste.

Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building. The conditional use will have no outside storage. All business activities will be conducted in the barn.

For proposals involving construction of new facilities and/or infrastructure, describe, as applicable, any measures being taken to ensure compliance with county stormwater and erosion control standards under Chapter 11 of Chapter 14, Dane County Code.

Not applicable; the conditional use will not require exterior site improvements.

List and describe existing or proposed sanitary facilities, including adequate private onsite wastewater treatment systems, associated with the proposed conditional use. For uses involving domestic pets or livestock, list and describe measures taken to address manure storage or management. There is an existing private onsite wasterwater treatment system. The barn does not have restroom or kitchen facilities and none will be added. Heather and Christopher will use the existing facilities in the house.

List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials. The only trash, waste, or recyclables generated by the conditional use will be minimal paper waste. To be removed by a professional shredding/recycling company.

Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic. Currently, daily traffic consists of Heather, Christopher, and their child leaving for work/school.

Working from home will decrease traffic onto and from Vilas Road.

Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.

Not applicable. The conditional use will not use, produce, or store hazardous, toxic, or explosive materials.

Describe any existing or proposed outdoor lighting along with any measures that will be taken to mitigate light-pollution impacts to neighboring properties. The Zoning Administrator may require submittal of a photometric plan for outdoor lighting if deemed necessary to determine potential impacts to neighbors.

There is currently an exterior security light located on the barn and the garage. There will be no additional outdoor lighting.

Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in s. 10.800.

Not applicable. The conditional use will have no outdoor signage.

Briefly describe the current use(s) of the property on which the conditional use is proposed.

Single family residence and garage storage for personal items.

Briefly describe the current uses of surrounding properties in the neighborhood.

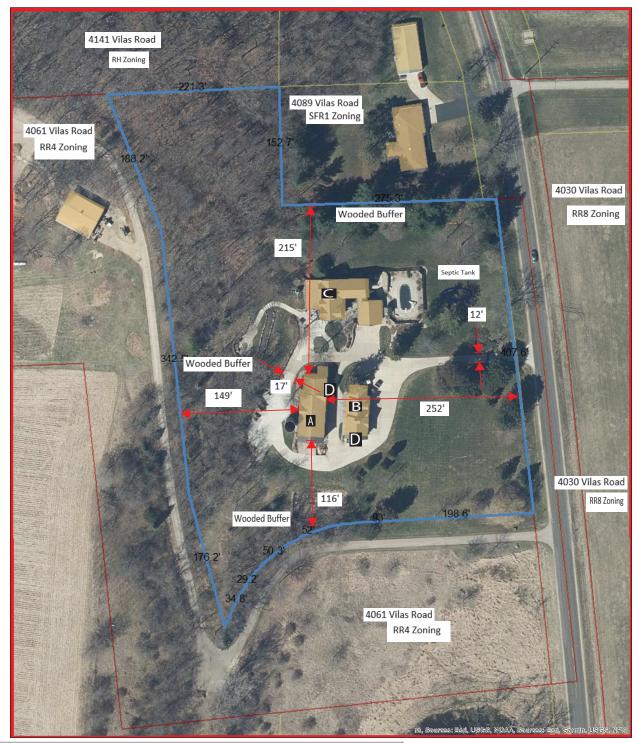
Residential to the north, northeast, and west. Ag to the east. See attached letter for more detail.

APPLICATION CHECKLIST FOR A CONDITIONAL USE PERMIT

A scaled site plan and detailed operations plan must be submitted with your Conditional Use Permit application. Please use the checklist below to ensure you are submitting all required information applicable to your request. Please attach to your application form the required maps and plans listed below, along with any additional pages.

☐ SCALED SITE PLAN. Show sufficient detail on 11" x 17" paper. Include the following information, as applicable:
□ Scale and north arrow.
□ Date the site plan was created.
☐ Existing subject property lot lines and dimensions.
☐ Existing and proposed wastewater treatment systems and wells.
☐ All buildings and all outdoor use and/or storage areas, existing and proposed, including provisions for water and sewer.
☐ All dimension and required setbacks, side yards and rear yards.
□ Location and width of all existing and proposed driveway entrances onto public and private roadways, and of all interior roads or driveways.
☐ Location and dimensions of any existing utilities, easements or rights-of-way.
\Box Parking lot layout in compliance with s. $\underline{10.102(8)}$.
□ Proposed loading/unloading areas.
□ Zoning district boundaries in the immediate area. All districts on the property and on all neighboring properties must be clearly labeled.
☐ All relevant natural features, including navigable and non-navigable waters, floodplain boundaries, delineated wetland areas, natural drainage patterns, archeological features, and slopes over 12% grade.
□ Location and type of proposed screening, landscaping, berms or buffer areas if adjacent to a residential area.
☐ Any lighting, signs, refuse dumpsters, and possible future expansion areas.
□ NEIGHBORHOOD CHARACTERISTICS. Describe existing land uses on the subject and surrounding properties:
Provide a brief written statement describing the current use(s) of the property on which the conditional use isproposed.
☐ Provide a brief written statement documenting the current uses of surrounding properties in the neighborhood.
OPERATIONS PLAN AND NARRATIVE. Describe in detail the following characteristics of the operation, as applicable:
□ Hours of operation.
□ Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
□ Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.
Compliance with county stormwater and erosion control standards under Chapter 11 of Chapter 14, Dane County Code.
□ Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison and Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.
☐ Facilities for managing and removal of trash, solid waste and recyclable materials.
□ Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
☐ A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.
□ Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.
☐ Signage, consistent with section <u>10.800.</u>
☐ ADDITIONAL MATERIALS. Additional information is required for certain conditional uses listed in s. 10.103:
☐ Agricultural entertainment, special events, or outdoor assembly activities anticipating over 200 attendees must file an event plan.
☐ Agricultural entertainment, special events, or outdoor assembly activities anticipating over 200 attendees must file an event plan.
□ Agricultural entertainment, special events, or outdoor assembly activities anticipating over 200 attendees must file an event plan. □ Domestic pet or large animal boarding must provide additional information in site and operations plans.

Site Plan- 4075 Vilas Road



Site Plan Components

- The existing lot lines of the Property are reflected on the Site Plan in blue. conditional use will not change the lot lines. The dimensions of the lot lines are shown
- The approximate location of the existing wastewater treatment system is depicted on the Site Plan. The conditional use will not change the system or well.

 The existing buildings are depicted on the Site Plan: The Barn (A), the Garage (B), and the House (C). The conditional use will be confined to the Barn (A); there will be no exterior storage or exterior use of the Property related to the conditional use. No new buildings are proposed for the conditional use. Water and sewer will not be available in
- As an accessory building not housing livestock, the Barn must have (a) a front setback of 63 feet from the center line or 30 feet from the right of way of Vilas Road, (b) a side setback of 10 feet, and (c) a rear setback of 10 feet. The red arrows depict the approximate distance from the Barn to the lot lines.

 The location and approximate width of the existing driveway is depicted on the Site
- Plan. No new driveway is proposed.

 The location and dimensions of the existing utility easements or rights-of-way are not
- applicable to the request for the Family Limited Business.

 Parking for the occasional third-party visitor is available between the Barn (A) and the
- Garage (B). No additional parking is needed or proposed.
- Loading/unloading areas are not needed or proposed.

 The addresses for the neighboring properties and the zoning districts for these properties are depicted on the Site Plan.
- There are no relevant natural features
- The Barn is screened from the neighboring residences by a wooded buffer as depicted
- An existing security light (D) is located on east side of the Barn and the south side of the Garage. No additional lighting is proposed. There are no exterior signs or refuse



