



# CONDITIONAL USE PERMIT APPLICATION

## Village of Rochester

300 W. Spring St., Rochester, WI 53167  
(262) 534-2431

### APPLICANT INFORMATION

Property Owner Name:	Eric & Kathy Herr	Agent/Architect Name:	
Address (Number & Street):	33750 Academy Rd	Address (Number & Street):	
Address (City, State, Zip):	Burlington, WI 53105	Address (City, State, Zip):	
Email Address:	earthexchange@tds.net	Email Address:	
Phone #:	262-492-2454	Phone #:	

### SITE INFORMATION

Legal Description:	17-021-001
Zoning District:	A2
Property Address or Location:	33750 Academy Rd, Burlington WI.

### DESCRIPTION OF PROPOSED CONDITIONAL USE

<b>Type of conditional use permit</b> (For example: manufactured home community, quarry, wind turbine, amendment, or any other listed conditional use. Include Code section, if known.): Contractor Storage	<b>Is this application being submitted to correct a violation?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Provide the project name and a short summary of the proposed conditional use:</b> Earth Exchange Inc. Landscape Contractor Contractor Storage No retail	

### GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with Village staff to review the application and determined that all necessary information has been provided. **Only complete applications will be accepted.** All information from the checklist below must be included. Note that additional application submittal requirements apply for particular uses or as may be required by the Zoning Administrator. Applicants for significant and/or potentially controversial conditional uses are strongly encouraged to meet with staff prior to submittal.

<input type="checkbox"/> Complete attached planning overview	<input type="checkbox"/> Site Plan drawn to scale	<input type="checkbox"/> Detailed operational plan	<input type="checkbox"/> Agreement for Reimbursable services form	<input type="checkbox"/> Detailed written statement of intent	<input type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to Village of Rochester. See current fee schedule for fee amounts
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I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Village of Rochester 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.

Owner/Agent Signature: Eric Herr

Date: 2/19/24

## CONDITIONAL USE PERMIT PLANNING OVERVIEW

Applicants must provide adequate evidence demonstrating to the Village of Rochester Plan Commission that the proposed conditional use complies with the following standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in Chapter 35 of the Village of Rochester Code.

Please explain how the proposed land use will comply with the following (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. Earth Exchange Inc as an operating business causes no safety risks or intrusions on privacy to local residents. Our operation is safe, clean, quiet and respectable. We are in no way a property value deterrent nor a nuisance in any as proven without incident for 32 yrs. We also provide jobs & tax revenue
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. Briefly describe the current uses of surrounding properties in the neighborhood. Hobble farms flank both East & West Sides. Residential homes across the highway. We are frequently providing services & care to adjacent neighbors and are "on call" for various needs/services
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. We are valued, appreciated, called upon for help or hire, well liked, respectful, friendly, courteous and polite to all of our neighbors, Village residents, Hwy Dept and
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use. There are adequate utilities as marked on drawing, proper & permitted access to County Hwy FF. There are no erosion problems and no highway entry point road surface damage. We actually
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. Wide entrance Trees are trimmed Ditchlines are maintained Snow is not piled All provide safe view entry
6. The conditional use shall conform to all applicable regulations of the district in which it is located. Briefly describe the current use(s) of the property on which the conditional use is proposed. Operating currently as Earth Exchange Inc for 32 yrs
7. The conditional use is consistent with the adopted Village land use plans. Business operates on A2 and holds existing C.U. permit
8. Any signage required by the conditional use will comply with the provisions of Ord. 35-170 through 35-179. Sign is 160' off R.O.W. and does not impede visibility for ingress/egress Logo only on face

### WRITTEN STATEMENT OF INTENT

Applicants must provide a detailed written statement of intent describing the proposed conditional use. 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.

Earth Exchange Inc is a landscape and property management company established in 1992.

Our trucks, trailers and equipment are used off site to complete residential projects in the surrounding Racine & Walworth County areas. Our home is on the same property where we have lived since approximately 1990. One pole barn exists for our business and is 24'x32'. We will be adding a new 50'x60' pole building to continue operations.

We have a small crew that meets in the morning at our shop and leave shortly after until returning at the end of the day. Lot & grounds are organized and neat. No trash, no buy/sell/trade/no unsightly materials, no burn piles or fill piles from site work. General compliance has been our approach.

All taxes (property and personal property) have been consistently paid.

original C.U. was granted through township.

*Village of Rochester*  
*Agreement for Reimbursable Services*  
**By Petitioner/Applicant/Property Owner**

Any person or applicant presenting a proposal, petition, or project, whether or not a permit or license is required, will be charged costs and fees equivalent to the cost to the Village for reviews and/or other work performed by the consulting Village Engineer, Village Attorney, Zoning Administrator, and any other consultants engaged by the Village.

Such persons or applicants shall be required to pay fees equivalent to the cost to the Village for any work associated with the drafting of agreements or other documents associated with any project, proposal, petition, permit, license, review or approval required, including but not limited to engineering, design, and/or inspection fees for public improvements that are associated with the review.

The Village may require a person or applicant to sign an agreement for payment, and to make a deposit toward such costs and fees. If a deposit is required, the deposit shall be in an amount reasonably estimated by the Village Clerk to cover the anticipated costs and fees, however, the person or applicant shall be liable for the full amount of the Village's costs and fees regardless of the amount of the deposit, unless otherwise prohibited by law. If the deposited amount falls below the amount reasonably estimated to complete the work, the Clerk may require an additional deposit. Any portion of the deposit that is not used by the Village for costs and fees shall be returned to the applicant.

Review fees which are charged to a person or applicant, but which are not paid, may be assigned by the Village as a special assessment to the subject property.

Eric Herr, the applicant/petitioner/property owner(s) for  
*Name(s)*

conditional use permit update, dated 2/19, 2024,  
*Nature of application/petition*

agree(s) to reimburse the Village of Rochester for all consultant services (e.g. engineering, planning, surveying, legal) required to process this application in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, impact fees, etc.), and, further, agrees to reimburse the Village for other administrative staff review if, in the judgment of the Village Board, such reimbursement is warranted.

Dated this 19 day of February, 2024.

Eric Herr  
*Signature of Applicant/Petitioner*

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*Signature of Property Owner, if different from Applicant/Petitioner*