

June 10, 2022

Zoning And Land Regulation Committee of Dane County

Re: Application of Melissa and Casey Helbach For CUP at 6993  
Applewood Drive-Petition CUP 2566

Dear Committee Members:

The undersigned are owners of residential real estate located in the Applewood Hill neighborhood in the town of Middleton and are neighbors of Melissa and Casey Helbach. We have concerns about the application by the Helbachs for a CUP in order for them to establish and operate a transient and tourist facility in their home. This letter will point out the concerns we have which we believe are relevant to the June 28 public hearing meeting of the Zoning and Land Regulation Committee of Dane County on whether to grant the applicants request for a CUP.

Our first concern pertains to the recorded covenants and restrictions applicable to all of the lots in the Applewood plat. The covenants and restrictions are recorded with the Dane County Register of Deeds in Volume 455, at Page 240, as document #1174939. They are currently in force. The restrictions, in paragraph 8(a) entitled "Miscellaneous Restrictions", require that: "All lots shall be used for one family dwellings.....". It is our opinion that the clear intent of that restriction is to limit the use of property in the Applewood plat to the construction and operation of single-family residences. Using the applicants existing single family residence building for transient and tourist rentals to non-family persons is violative of the provision and spirit of the restriction.

Further, Subparagraph (d) provides that: "No..... temporary residences....shall be allowed in said plat." The establishment and operation of a transient or tourist facility in a home in Applewood would appear to us to be a rather clear-cut violation of the covenants and restrictions. The proposal by the applicants would not fit under the requirements of the applicable covenants and restrictions. It appears to us that the application for the CUP to operate a transient and tourist home must be rejected because to grant it would facilitate the applicant's violation of the covenants and restrictions to the detriment and expense of the other lot owners in the Applewood plat.

Furthermore, it is our view and opinion that the establishment of a commercial tourist rental business in the close knit, small neighborhood of Applewood would be detrimental to and endanger the neighborhood's safety, comfort and general welfare. We understand the difficulty of "proving" the validity of our opinion regarding the impact that the applicants proposed business operations would have on the neighborhood culture. The issues raised we acknowledge are difficult and subtle. The Applewood neighborhood consists of 42 residence buildings built around a circular road. There are no sidewalks. The families who reside in Applewood include many young children. The roadway is used frequently by residents for walking, running, some bicycling and socializing. The Applewood families are relatively close knit and support each other when the need arises. Permitting a tourist rental business in Applewood would be, in our opinion, damaging to the spirit and character of the neighborhood and would facilitate the introduction of strangers to the neighborhood who would be unfamiliar with neighborhood customs and use of the circle road. There was no substantial evidence submitted by the applicants to support compliance with the first two required conditions for obtaining a CUP for their property.

Applewood provides water to each residential lot through a captive water utility which operates two wells with antiquated extraction and distribution equipment. Periodically the Applewood residents have to deal with well shutdowns and low water pressure during times of high use by the residents. It is our view and worry that the water system is just adequate to handle the needs of the family residents and their guests and might be overtaxed by the operation of a transient and tourist commercial rental business of the kind sought to be operated by the applicant.

We urge the committee to take these kinds of issues into account in deciding what to do with the application for the CUP. It is our opinion and that of most if not all of the other neighbors that the applicant cannot meet the requirements for being granted a CUP.

Thank you for considering our concerns and requests.

Sincerely,

Fred and Mary Ross

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