

Dane County Conditional Use Permit Application

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|----------------------------|---------------------|
| Application Date | C.U.P Number |
| 08/06/2021 | DCPCUP-2021-02536 |
| Public Hearing Date | |
| 10/26/2021 | |

| | |
|--------------------------|--------------------------|
| OWNER INFORMATION | AGENT INFORMATION |
|--------------------------|--------------------------|

| | | | |
|---|--|--|--|
| OWNER NAME GERARD XAVIER | Phone with Area Code (608) 658-5097 | AGENT NAME CHRISTA WESTERBERG | Phone with Area Code (608) 251-0101 |
| BILLING ADDRESS (Number, Street) 2116 PEACEFUL VALLEY PKWY | | ADDRESS (Number, Street) 122 W. WASHINGTON AVE, SUITE 900 | |
| (City, State, Zip) WAUNAKEE, WI 53597 | | (City, State, Zip) Madison, WI 53705 | |
| E-MAIL ADDRESS gvxavier@charter.net | | E-MAIL ADDRESS cwesterberg@pinesbach.com | |

| | | |
|---------------------------|---------------------------|---------------------------|
| ADDRESS/LOCATION 1 | ADDRESS/LOCATION 2 | ADDRESS/LOCATION 3 |
|---------------------------|---------------------------|---------------------------|

| | | |
|-----------------------------------|-----------------------------------|-----------------------------------|
| ADDRESS OR LOCATION OF CUP | ADDRESS OR LOCATION OF CUP | ADDRESS OR LOCATION OF CUP |
| 3056 Shaw Court | | |
| TOWNSHIP DUNN | SECTION 5 | TOWNSHIP |
| | | SECTION |
| PARCEL NUMBERS INVOLVED | PARCEL NUMBERS INVOLVED | PARCEL NUMBERS INVOLVED |
| 0610-051-4518-3 | --- | --- |

| |
|------------------------|
| CUP DESCRIPTION |
|------------------------|

Transient or Tourist Lodging




| | |
|--|--------------|
| DANE COUNTY CODE OF ORDINANCE SECTION | ACRES |
|--|--------------|

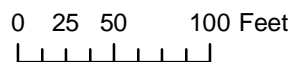
| | |
|--------------|-------|
| 10.251(3)(g) | 0.153 |
|--------------|-------|

| | | |
|---|---------------------------------|--|
| DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____ | Inspectors Initials RWL1 | SIGNATURE:(Owner or Agent) <hr/> PRINT NAME: <hr/> DATE: <hr/> |
|---|---------------------------------|--|



Legend

-  Wetland
- Significant Soils**
-  Class 1
-  Class 2



CUP 02536
GERARD XAVIER



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 VIOLATIONS OR WHEN WORK HAS STARTED PRIOR TO ISSUANCE OF PERMIT | |

CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION

| | | | |
|-----------------------------|------------------------------|-----------------------------|----------------------------------|
| Property Owner Name: | Gerard Xavier | Agent Name: | Christa Westerberg |
| Address (Number & Street): | 2116 Peaceful Valley Parkway | Address (Number & Street): | 122 W. Washington Ave, Suite 900 |
| Address (City, State, Zip): | Waunakee, WI 53597 | Address (City, State, Zip): | Madison, WI 53703 |
| Email Address: | gvxavier@charter.net | Email Address: | cwesterberg@pinesbach.com |
| Phone#: | 608-658-5097 | Phone#: | 608/251-0101 |

SITE INFORMATION

| | | | |
|------------------|--------|-------------------------------|-----------------|
| Township: | Dunn | Parcel Number(s): | 0610-051-4518-3 |
| Section: | | Property Address or Location: | 3056 Shaw Court |
| Existing Zoning: | SFR-08 | Proposed Zoning: | -- |
| | | CUP Code Section(s): | 10.251(3)(g) |

DESCRIPTION OF PROPOSED CONDITIONAL USE

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|---|--|
| <p>Type of conditional use permit (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use):</p> <p>Transient or tourist lodging</p> | <p>Is this application being submitted to correct a violation?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> |
| <p>Provide a short but detailed description of the proposed conditional use: To use an existing house in a single-family residential zoning district to provide short-term tourist rentals advertised on sites such as AirBNB</p> | |

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department 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 information sheet for standards | <input type="checkbox"/> Site Plan drawn to scale | <input type="checkbox"/> Detailed operational plan | <input type="checkbox"/> Written legal description of boundaries | <input type="checkbox"/> Detailed written statement of intent | <input type="checkbox"/> Application fee (non-refundable), payable to Dane County Treasurer |
|--|---|--|--|---|--|

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 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.

Owner/Agent Signature: _____

Date: _____

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.

We have been issued a tourist rooming house permit (TRH) on May 13, 2021. A virtual inspection of the property was conducted and approved by Dane County Public Health. We have also obtained the appropriate permits from the Town of Dunn. Occupancy has been limited to 10 people with a limit of 6 cars being parked on our driveway and in the garage. Clients are also instructed to bundle all trash and recycling into our bins for adequate sanitation. We have received no complaints from our neighbors, and our check in instructions stipulate a check in time between 3-10pm and check out by 11 to ensure that our neighbors are not disturbed in any way. The use is not detrimental to and does not endanger the public health, safety, comfort or general welfare.

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.

This home is large and has ample indoor and outdoor space for our guest to enjoy, and it is used in a manner consistent with uses allowed in the SFR-08 District. We instruct guests to maintain all outside spaces in addition to interior spaces. Guests are typically family and friends vacationing together and we have house rules on noise and courtesy hours. The home is located on a cul du sac with a small number of homes and guests are coming in for family events such as weddings or reunions. One of our neighbors has commented that short term rentals are better maintained because of the nature of the business and that maintenance is diligently adhered to.

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 conducting of short term rentals will not adversely impact the normal and orderly development and improvement of surrounding properties for single-family use. The neighborhood is already developed. This home is has been diligently maintained. We continue to use it for our personal use as well. Renting to families and small groups, who occupy the property one at a time, is consistent with single-family use. This home is the largest building on the street and it is in our personal interest to only positively enhance and improve property values and upkeep.

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

This is an existing home, and adequate utilities, access roads, drainage, and other site improvements already serve the site. This house is large and will accommodate 1 family effectively.

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.

Garage and driveway spaces allow for 6 vehicles. Approach roads to the property are adequate for this purpose given that only 1 group at a time will occupy this property.

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

The property conforms to Ordinance Section 10.251.

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

The property is a residential use in the Town's limited service area, which is intended to encompass residentially-zoned land and areas of existing development, including land in the SFR-08 zoning district. Further, the applicant is in compliance with the Town of Dunn's zoning and license requirements. The use does not conflict with existing or future land uses in the Dane County Comprehensive Plan.

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:

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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.

| |
|--|
| <p>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.</p> <p>This home is a 3 level, 4 bedroom, 3 bathroom single family residence, located on the western shore of Lake Waubesa in the Town of Dunn. It is approximately 3,444 square feet. It allows for 10 people to reside at the property with adequate parking for 6 vehicles. Outdoor patios and decks are available for guest to enjoy, as well as a pier. Groups rent the property on a short-term basis through sites like AirBNB. I am available by mobile phone and e-mail and live 30 minutes away from the property. I provide guests with a detailed check in and check out procedures sheet. My cleaning crew also comes in to clean and turn over the home between bookings. Lawn care and snow removal for the home are also provided. I also have maintenance contractors available for any repair concerns. There is no plan to add any additional space to this home and therefor no adverse environmental or infrastructure will occur. This CUP application is not asking for any building or infrastructure changes. Given the size of the home and our stipulation of 10 guests at a time, there will be no need to add or renovate the property or to increase sewage and waste handling. The Town of Dunn requires a seven-night minimum stay, and the home is advertised accordingly. A limited number of existing reservations of below a seven-night minimum stay were allowed by the Town of Dunn through the end of 2021. The shortest of these reservations is two days.</p> |
| <p>List the proposed days and hours of operation.</p> <p>Hours will be during regular business hours with the exception of check in occurring up to 10pm</p> |
| <p>List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.</p> <p>The cleaning crew is typically made up of 3-4 people and are on site for 2-4 hours at a time. Maintenance concerns are usually handled by 1 person. I will be the only other individual on-site when needed.</p> |
| <p>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.</p> <p>Applicant only anticipates some noise (voices, car noise) but at levels consistent with single-family residential and the neighborhood, consistent with Zoning Ordinance 10.251(a) and (b). Further, we have house rules on noise, and our check in instructions stipulate a check in time between 3-10 PM and check out by 11 AM to minimize disruptions to neighbors. There is no anticipation of any increase of these factors due to the limits on the number of people occupying the property.</p> |
| <p>Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building.</p> <p>Patio furniture, grill, garbage and recycling bins</p> |
| <p>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.</p> <p>N/A</p> |
| <p>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.</p> <p>This house uses the existing municipal septic and sewage system. Given the 10 person limit, no additional measure are necessary.</p> |
| <p>List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.</p> <p>The home has trash and recycling bins that are picked up weekly and biweekly respectively.</p> |
| <p>Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.</p> <p>Guest will use private vehicles and no commercial vehicle traffic is anticipated. Traffic volumes will be limited to 6 cars based on parking availability.</p> |
| <p>Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.</p> <p>N/A</p> |
| <p>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. No additional lighting is planned besides the current light fixtures on the building. Garden solar lights will illuminate pathways by the lakefront.</p> |
| <p>Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in s. 10.800.</p> <p>N/A</p> |
| <p>Briefly describe the current use(s) of the property on which the conditional use is proposed.</p> <p>Personal residential use.</p> |
| <p>Briefly describe the current uses of surrounding properties in the neighborhood.</p> <p>Primary residences and vacation homes in the immediate area, and agriculture and greenspace more distant.</p> |

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.
- Parking lot layout in compliance with s. [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:

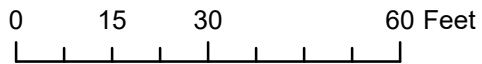
- Provide a brief written statement describing the current use(s) of the property on which the conditional use is proposed.
- Provide a brief written statement documenting the current uses of surrounding properties in the neighborhood.

OPERATIONS PLAN AND NARRATIVE. Describe in detail the following characteristics of the operation, as applicable:

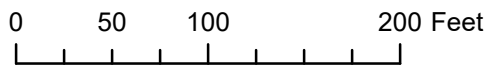
- Hours of operation.
- Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
- Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
- Descriptions of any materials 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 [10.800](#).

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](#).
- [Domestic pet](#) or [large animal boarding](#) must provide additional information in site and operations plans.
- Communication towers must submit additional information as required in s. [10.103\(9\)](#).
- Farm residences proposed in the FP-35 district must submit additional information as required in s. [10.103\(11\)](#).
- Mineral extraction proposals must submit additional information as required in s. [10.103\(15\)](#).



Operations Plan



Neighborhood Plan

Legal description of 3056 Shaw Court, Madison, WI 53711

Parcel Identification Number: 028/0610-051-4518-3

This is homestead property.

Part of Outlet B, Waucheeta, in the Town of Dunn, Dane County, Wisconsin, described as follows:

Beginning at a point 124 feet Easterly from the Southwest corner of said Outlet B and on the South boundary line of said Outlet B; thence Northerly and at right angles to the Southern boundary of said Outlet B, 115 feet which point marks the beginning of this parcel; thence Northerly at right angles to the Southern boundary of Outlet B, 55 feet; thence Easterly to the shores of Lake Waubesa, 118 feet more or less, which line passes through an iron stake approximately 20 feet from Waubesa lake shore, which point is 165 feet from the Southern border of Outlot B; thence Southerly on the lake shore 55 feet; thence Westerly 123.7 feet more or less to the point of beginning.