

Dane County Conditional Use Permit Application

Application Date	C.U.P Number
02/11/2022	DCPCUP-2022-02559
Public Hearing Date	
05/10/2022	

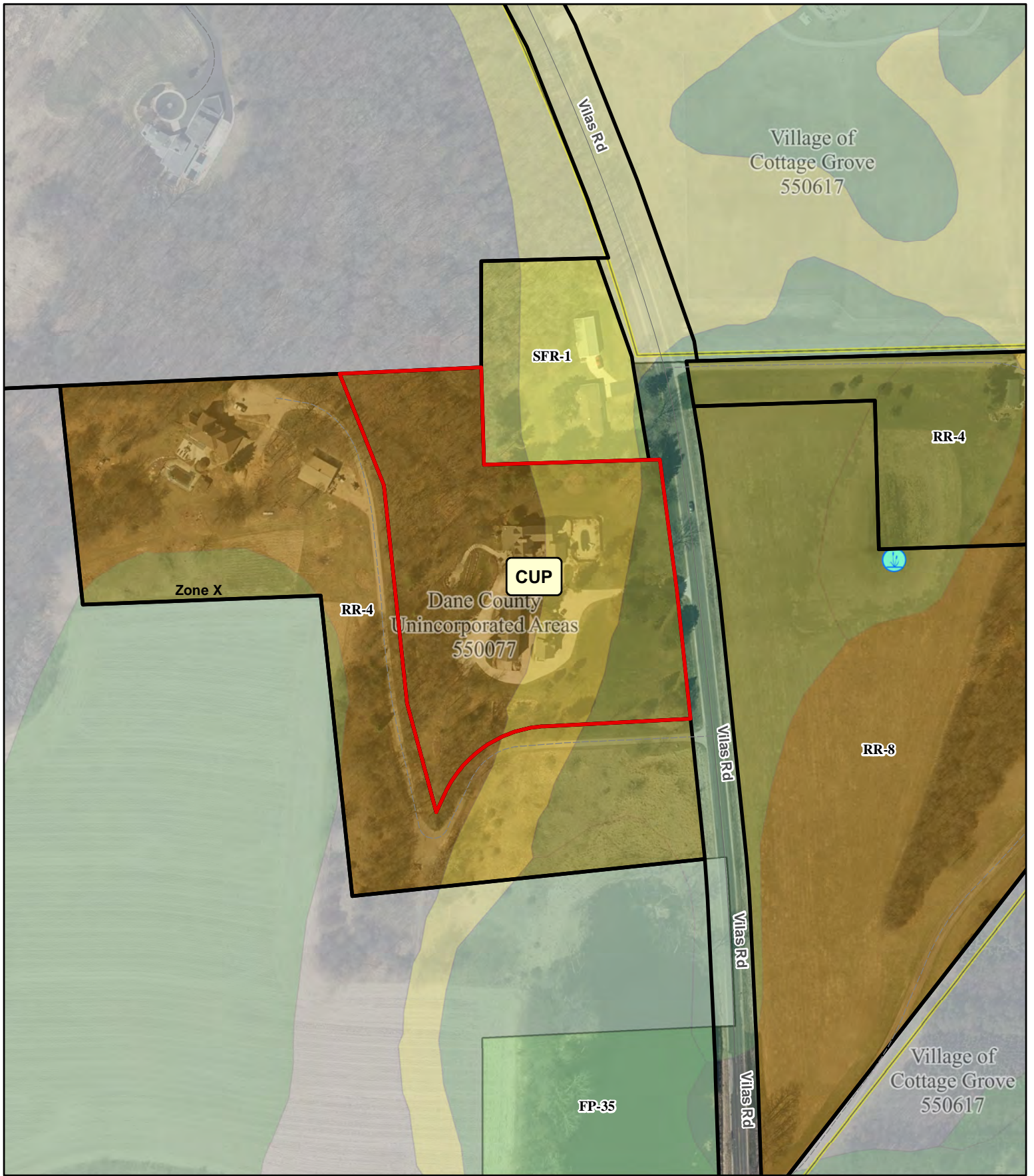
OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME HEATHER & CHRISTOPHER DYER	Phone with Area Code (608) 345-2438	AGENT NAME JOSEPH BARTOL	Phone with Area Code (608) 257-2281
BILLING ADDRESS (Number, Street) 4075 VILAS RD		ADDRESS (Number, Street) 33 E. MAIN STREET, STE. 610	
(City, State, Zip) COTTAGE GROVE, WI 53527		(City, State, Zip) Madison, WI 53703	
E-MAIL ADDRESS cdyer@morgandata.com		E-MAIL ADDRESS jbartol@stroudlaw.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	
4075 Vilas Road					
TOWNSHIP COTTAGE GROVE	SECTION 16	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0711-163-8650-5		---		---	



CUP DESCRIPTION
10.103(12) Limited Family Business - Business Office

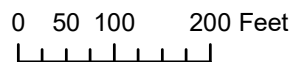
DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
10.243(3)	5.3

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



Legend

- | | | |
|--|------------|---|
|  | Wetland | Significant Soils |
|  | Floodplain |  Class 1 |
| | |  Class 2 |



CUP 02559
HEATHER &
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 VIOLATIONS 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 Number(s):	018/0711-163-8650-5
Section:	Section 17	Property Address or Location:	4075 Vilas Road, Cottage Grove, WI 53527
Existing Zoning:	RR-4	Proposed Zoning:	CUP
CUP Code Section(s):	Section 10.103(12)		

DESCRIPTION OF PROPOSED CONDITIONAL 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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
Provide a short but detailed description of the proposed conditional use: Please see attached letter. Heather and Christopher Dyer own Morgan Data Solutions, LLC. They provide administrative services and strategic planning to volunteer organizations and business/trade associations. Organization/association meetings will be conducted virtually or at a public facility. The conditional use will not include on-site group meetings. However, Heather or Christopher may occasionally meet on-site with a point of contact from the organizations and business/trade associations they represent. The limited family business will involve administrative offices for Heather and Christopher from which they can work remotely with their clients.	

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 checked="" type="checkbox"/> Complete attached information sheet for standards	<input checked="" type="checkbox"/> Site Plan drawn to scale	<input checked="" type="checkbox"/> Detailed operational plan	<input checked="" type="checkbox"/> Written legal description of boundaries	<input checked="" type="checkbox"/> Detailed written statement of intent	<input checked="" type="checkbox"/> Application fee (non-refundable), payable to Dane County Treasurer
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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 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: 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):

<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>7. The conditional use is consistent with the adopted town and county comprehensive plans. See attached letter.</p>
<p>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.</p> <ul style="list-style-type: none">• 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 wastewater 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.

STROUD
WILLINK
&
HOWARD
LLC
Attorneys at Law

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 eight standards for approval, the operational plan for the limited family business, and the statement of intent 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

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.

- 1. 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.

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.

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

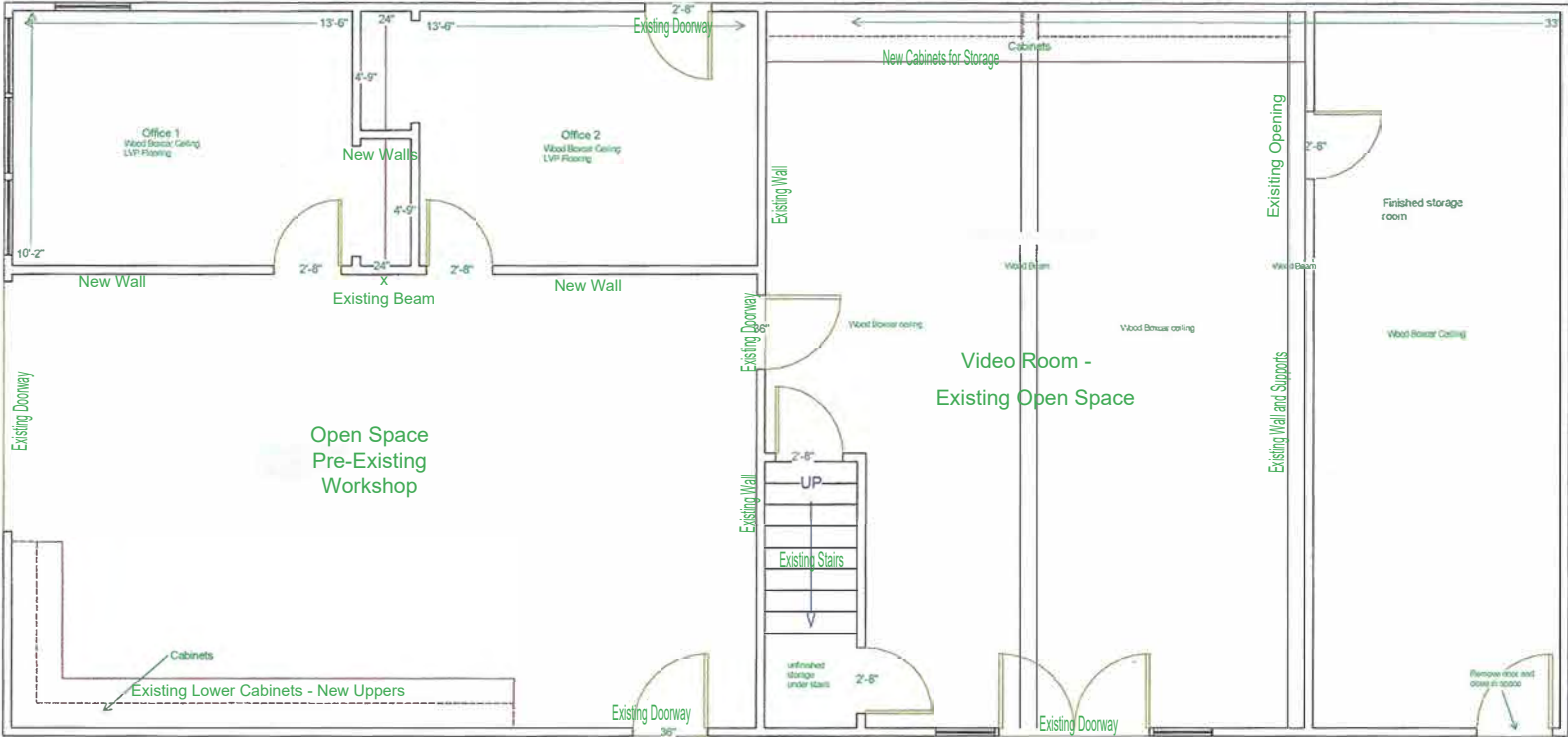
cc: Heather and Christopher Dyer

EXHIBIT A
Legal Description of 4075 Vilas Road

Lot Two (2), Certified Survey Map #3542, located in the Town of Cottage Grove, Dane County, Wisconsin.

EXCEPT that portion of Lot Two (2) beginning at the Southwest corner of said Lot 2; Thence N6°00'00"W, 750.31 feet to the Northwest corner of said Lot 2; Thence S21°27'20"E, 189.33 feet; Thence S6°09'15"E, 342.67 feet; Thence S15°00'00"E, 176.50 feet; Thence N24°55'10"E, 31.74 feet; Thence on a curve to the right of radius 183.00 feet, whose long chord bears N56°00'40"E, 189.01 feet; Thence N87°06'10"E, 260.83 feet to the centerline of Vilas Road; Thence S6°00'00"E, 152.65 feet along said centerline to the Southeast corner of said Lot 2; Thence S84°00'00"W, 522.64 feet to the Point of Beginning of this description.

Floor Plan for 4075 Vilas Road



Site Plan- 4075 Vilas Road



12, Sources: Esri, USGS, NOAA, Sources: Esri, Garmin, USGS, NPS

Site Plan Components

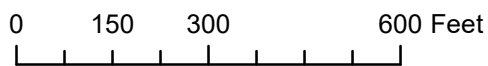
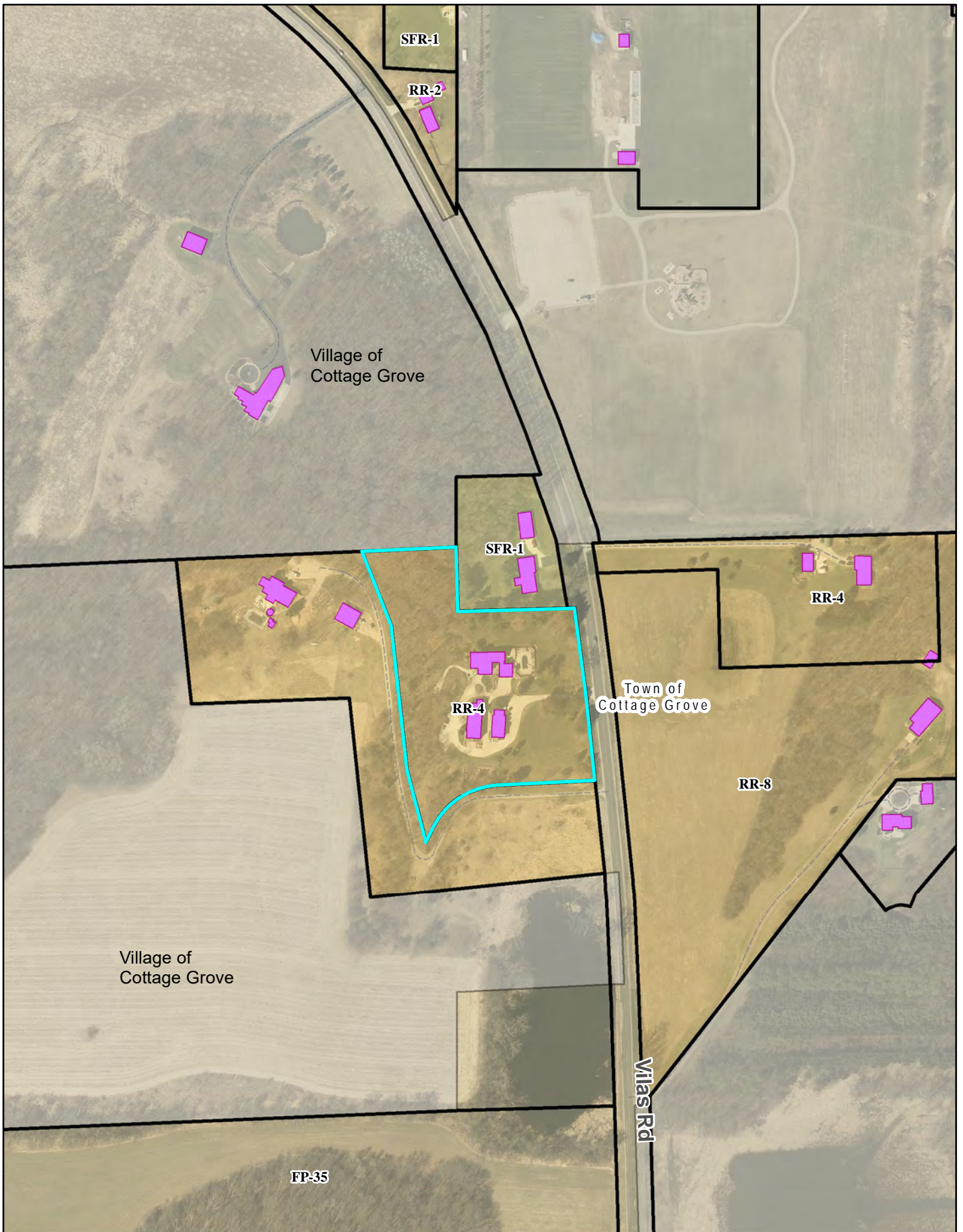
- The existing lot lines of the Property are reflected on the Site Plan in blue. The conditional use will not change the lot lines. The dimensions of the lot lines are shown in black.
- The approximate location of the existing wastewater treatment system is depicted on the Site Plan. The conditional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

0 50 100 200 Feet



February 8, 2022

Joseph P. Bartol



Neighborhood Map