

Dane County Conditional Use Permit Application

Application Date	08/06/2021	C.U.P Number	DCPCUP-2021-02537
Public Hearing Date	10/26/2021		

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME DUSTIN MAHER	Phone with Area Code (608) 772-6651	AGENT NAME <input type="checkbox"/>	Phone with Area Code
BILLING ADDRESS (Number, Street) 7537 FALLEN OAK DR		ADDRESS (Number, Street) <input type="checkbox"/>	
(City, State, Zip) VERONA, WI 53593		(City, State, Zip)	
E-MAIL ADDRESS dustinmaherfitness@gmail.com		E-MAIL ADDRESS	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
7537 Fallen Oak Dr.,					
TOWNSHIP MIDDLETON	SECTION 29	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0708-293-0078-5		---		---	

CUP DESCRIPTION
Transient or tourist lodging -VRBO




DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
10.251(3)	1.941

DEED RESTRICTION REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Inspectors Initials SCW1	SIGNATURE:(Owner or Agent) <input checked="" type="checkbox"/> <i>Dustin Maher</i>
Applicant Initials <i>DM</i>		PRINT NAME: <input checked="" type="checkbox"/> Dustin Maher
		DATE: <input checked="" type="checkbox"/> 8-9-2021

COMMENTS: 10.251(3)(G) TRANSIENT OR TOURIST LODGING - VRBO

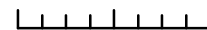


Legend

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



0 25 50 100 Feet



CUP 02537
DUSTIN MAHER



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:	Dustin & Tessa Maher	Agent Name:	
Address (Number & Street):	7537 Fallen Oak Drive	Address (Number & Street):	
Address (City, State, Zip):	Verona, WI 53593	Address (City, State, Zip):	
Email Address:	dustinmaherfitness@gmail.com	Email Address:	
Phone#:	(608) 772-6651	Phone#:	

SITE INFORMATION

Township:	Middleton	Parcel Number(s):	Oak Field Estates #8
Section:	29	Property Address or Location:	Same as above
Existing Zoning:	SFR-08	Proposed Zoning:	STR
CUP Code Section(s):			

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): Short Term Rental	Is this application being submitted to correct a violation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Provide a short but detailed description of the proposed conditional use: (See attached paperwork)	

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: Dustin Maher

Date: 8/4/2021

Welcome letter for Application of CUP for STR of our Home

Thank you for taking the time to read this and look over the details. We hope that this level of detail and planning shows that we are committed to keeping the integrity of our great neighborhood intact while allowing us to host guests from time to time.

We have enjoyed visiting places around the world and staying in VRBO type homes and we decided we wanted to do the same thing since we LOVE hosting people. We recently bought our dream "forever" home for our growing family.

We had contacted the city/town and asked for other short term rentals in the town of Middleton and nobody seemed to be aware of needing any permits.

So before we were aware of it, we hosted 35 families/groups.

Once we became aware of needing a permit we removed our listing from online sites and turned down any new future bookings and are continuing to do so until we receive our permit. We even refunded a future local booking we had prior due to our new rules of not renting to locals based on one incident on July 4th.

We had let some of our neighbors know before we started who we got to know early on. They had no problem with the idea and thought it was great. We wish we would have let one other neighbor know before.

Our house rules are very strict, no parties, no extra guests from those on the sleeping list, no smoking, no animals, no guests booking under 25, and quiet hours after 9pm.

No more than 5-6 total cars, three of which go into our garage.

This home is valued at close to 1.5M so it is in our best interest that we attract the right guests who will respect the home and neighborhood.

Because of the strict rules and our vetting process we have nearly a 100% track record of great guests, but on two occasions that wasn't the case, which we will address in a moment.

Our neighborhood has large 2 acre lots and the backyards all have pretty good privacy with trees. Our driveway is a couple hundred feet long and the house is far away from the road.

On one side of us we have neighbors Pat and Tom. They have 4 kids who are in high school and college. We weren't in any way trying to hide anything from them but short term rental just never came up in our few brief interactions we had and we believed that the distance away from the house, plus the way the homes and backyards are positioned would cause no real issues.

The awareness of needing a permit came to light this summer when Pat sent me a message one day saying that she received a call from Sue (who we had never met) and didn't really consider a neighbor because she wasn't in our development and was on the other side of some big pine trees past our backyard (couldn't really see her home).

Sue had heard noise on Memorial Day weekend and wondered who was staying there.

Then Pat called unhappy that we hadn't let them know we had been renting out our home. She hadn't been aware of the fact that we had hosted around 32 groups already.

This supports our belief that we attract amazing, respectful guests, and have a space that can host and not bother the neighbors.

She was most unhappy that we hadn't let her know about it.

She was right and we apologized for that.

She told us that they are looking to sell over the next couple years now that they are going to be empty nesters soon and was concerned that their home value would be affected. This seemed to be their biggest issue with us renting it out but in no way will this affect their home value.

She also called another neighbor up to let them know what we were doing and she said the woman said, "I had no idea, it hasn't affected us at all."

I immediately got Sue's number from Pat and texted her to apologize for the noise and asked if my family could come meet her. I also shared with her that we reduced the max volume of the patio speakers and put a sound detector in the backyard which she greatly appreciated. Sue is older and in poor health and she declined us coming to visit at that time.

After doing some sound analysis to try to figure out how Sue, who doesn't live in our neighborhood and is a couple hundred feet from us through some trees, could have heard our guests, it was determined that our home was bouncing the sound of people's voices from the large glass windows through our backyard patio area, through the trees, and to her home.

Again this occurred one time with a family staying with us on Memorial Day weekend. They were singing and talking loudly late at night.

Our second issue came on July 4th when we had a woman reach out to book who was local.

We have a rule that we don't rent to locals we don't know, but this woman assured me it would be her, her 4 grown kids, and some of their kids. 14 people in total and 5-6 cars. I told her to park 3 in the garage.

I was still a bit leary so we met in person to discuss and to make sure we had a strong agreement. The woman seemed nice and trustworthy.

My family was staying in MN with my extended family when Tom (Pat's wife) texted me a photo of 20 cars in our driveway. They also lit off fireworks at 9:30 pm. I called the guest and told her to stop the fireworks (it's against our policy) and to have the extra guests (also against our house rules) leave, which they did.

We cut our trip short and returned early the next day and asked the guests to leave a day early which they did. According to our rules, they shouldn't have received any refund but we refunded them their second day to ensure a speedy exit and no additional issues with the neighbors.

Lesson learned and nobody who is local (that we don't know) can book this home; they can celebrate at their own home.

We have also taken even more steps to reduce or prevent the chances of even an occasional loud guest.

We have two small patio speakers that we had Elite A/V Automations reduce the max volume to 25% after 9 pm.

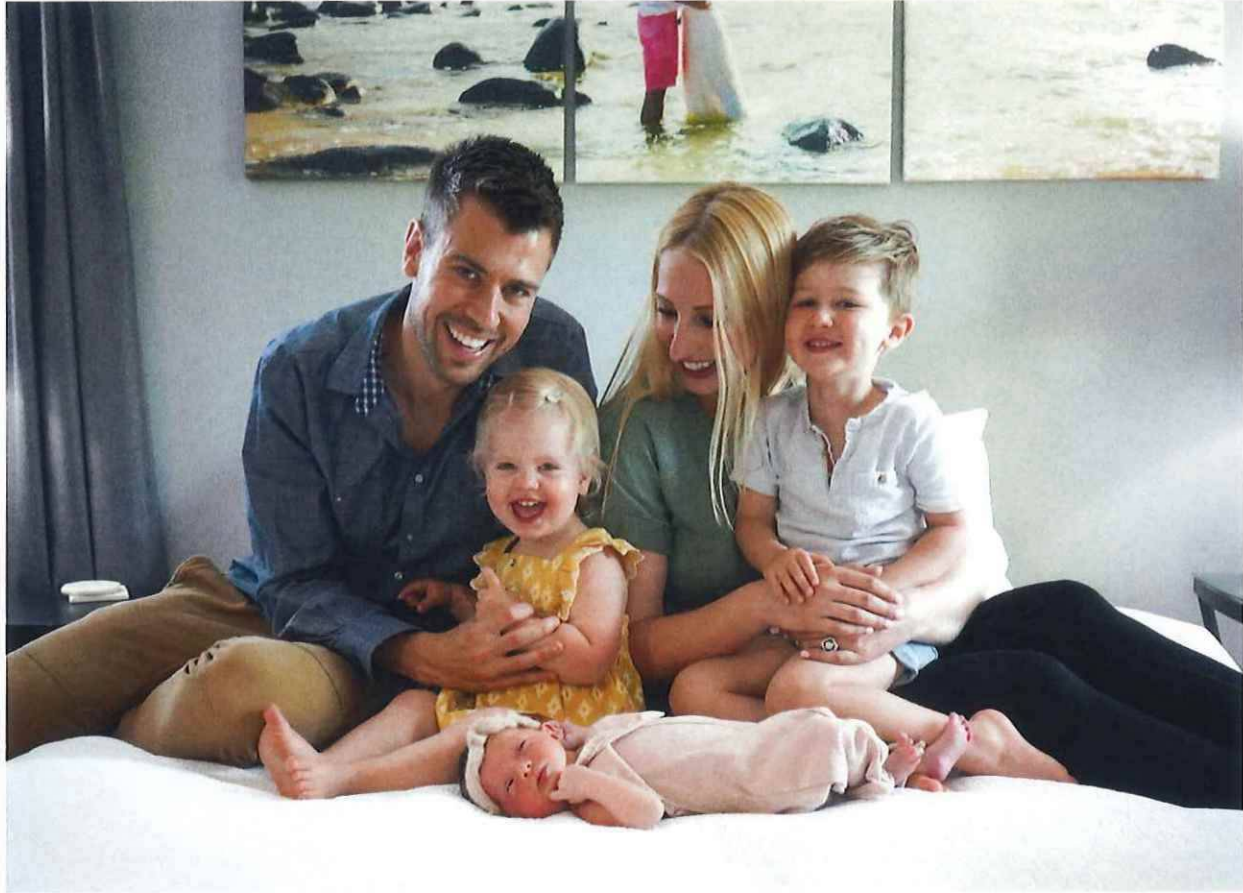
We installed a noise sensor outside and a separate one inside that will notify us via text if it is loud at any given point so we can address it in real time.

We have increased the visibility of our 9 pm outdoor quiet hours reminders.

With the lessons we have learned we are very confident that the chances of any disturbances to the neighborhood are very low and if they occur can be addressed right away.

We look at this as a win/win for everyone involved.

- The neighbors aren't bothered
- The town and county collect a lot of taxes (we paid around \$15,000 this year I believe in hotel taxes) plus income tax on top of that.
- We support an amazing local cleaning crew and give them good business
- We are able to make some additional money to pay the bills and ensure our property looks like it is right out of a magazine with professional lawn care, landscaping, etc..
- We create an amazing experience for our guests to create family memories that last a lifetime
- We bring in out of town guests who spend significant amounts of money on local businesses in the area



Kind regards,
Dustin, Tessa, Bo (3), Maple (1), Mila (8 weeks)

7537 Fallen Oak Drive
Verona, WI 53593

8 STANDARDS OF CONDITIONAL USE PERMIT

Standard 1 *The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare.*

This is our #1 priority and concern. We LOVE our neighbors and we LOVE our neighborhood.

This is why we chose to buy our dream “forever” home for our growing family here. We see ourselves growing old in this home and with our neighbors.

Our home is worth around \$1,500,000 and is a luxury ultra modern home. It is VERY important to us that we only host families and small groups that will treat it like their own home with the utmost respect. At the higher rental price it naturally attracts mostly these types of people but we have a thorough questioning process to further eliminate any potentially loud groups.

The first key to standard #1 is proper screening which I feel we have done a really good job of. An exception to this was on July 4th when we welcomed a group of guests who did not abide by our house rules.

Our screening process includes strict rules and description of the home as a place for people to come together and spend time but it is clearly not a party house. We also talk with each potential guest before confirming the booking to find out their reason for renting, their intentions, and to lay down the strict rules we have in place. We also look at their previous reviews from other hosts to see what their track record is like. At that point we decide if they will be a good fit for us and the neighborhood.

Next is the actual layout of the neighborhood and our property in general.

The way our neighborhood is laid out with large, 2 acre private lots, makes it an ideal place to host without interrupting or bothering the neighbors.

We are about 175 feet away from doorstep to doorstep to our closest neighbors on either side and blocked by a substantial amount of trees creating lots of privacy.

We are 350 feet away from our neighbor in the backyard (over a football field away) plus blocked by 50 foot evergreen trees. We can't even see this neighbor's house at all.

Our home is over 200 feet set back from the road and 350 feet away from the closest neighbor across the street.

Like we wrote in the attachment, before we realized we needed a permit we hosted 32 groups without our next door neighbor knowing it (we weren't trying to keep it a secret). We are simply so spread apart we didn't think it would be an issue.

The next important measure to take are the house rules. Ours are very strict and include:

- No parties
- No extra guests unless previously approved (some groups bring in a chef for example)
- 5-6 max vehicles with 3 of those parked in the garage
- No smoking
- No animals
- Quiet hours after 9 pm
- No shoes inside
- Must be over 25 years old to book

The final piece is to be able to monitor, enforce, and respond to a problem on the rare occasion it arises.

We reduced the volume of the two small patio speakers to 25% of max after 9pm.

We installed a noise sensor on the back patio and one inside as well that would notify us in real time via text if there is loud noise.

This is in addition to the 7 security cameras surrounding the home and the Ring doorbell video camera.

We provide 3 garage door openers and ask that they park the first three cars in there keeping any additional cars to a minimum in our driveway. Our driveway is over 200 feet long and can hold over 30 cars, but from an aesthetics standpoint we keep it to a minimum similar to a family of 6 with teenage drivers.

Our neighbors have our cell phone and have been told to text immediately if they have any concerns.

Standard 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.*

This one is also SUPER important for us because this is OUR neighborhood too and have always been the family to connect the neighborhood together. We are the ones who plan events and gatherings for the neighbors, and try to look out and do special things for them.

We have three kids three and under and would be 100% happy and good with any and all of our neighbors doing what we are doing, given they take the measures that we are taking.

As mentioned before we have hosted around 35 groups and the neighborhood and the neighbors haven't even noticed or been affected by it except for the July 4th group with many cars in our parking lot, and for the Memorial Day group who one person, Sue, heard late at night.

At most a group renting our home is like when we have our extended family visit and come stay with us for a week or long weekend which they do regularly. With the large size of all the homes in our neighborhood it is a place where families come together to celebrate life together. These are the types of homes that extended families and friends come to stay.

Standard 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.*

Not sure how applicable this one is to our situation since what we are proposing doesn't prevent any sort of developments or improvements.

Standard 4 *There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures.*

Since this isn't much different than having our own extended family come to visit, there are no additional improvements that need to be made.

Standard 5 *Adequate measures have been or will be taken to provide adequate ingress /egress to public streets and the proposed conditional use will not present traffic conflicts. Provide information on vehicle traffic that the proposed use will generate. Include frequency and types of vehicles.*

Like mentioned above, we limit the number of total vehicles to 5-6 and we asked that 3 are parked in the garage. Our driveway is so long it could hold 30 or more cars, but we want to make sure that there are only a couple cars on the driveway at max and they are about 200 feet away from the road.

So again this isn't any different than the amount of vehicles a family of 5-6 might have with teenage drivers. Definitely no issues with traffic.

Standard 6 *The conditional use shall conform to all applicable regulations of the district in which it is located. Provide information on any necessary licensing, or regulations associated with the proposed land use.*

As far as we know it does.

Standard 7 *The conditional use is consistent with the adopted Town and County Comprehensive Plans. The Town and the County may have specific policies on the development of particular areas of the county.*

I am not aware of any plans from the town that would interfere with this.

Standard 8 N/A

WRITTEN STATEMENT OF INTENT, OPERATIONS PLAN, AND BOUNDARY DESCRIPTIONS

We are looking to offer short term rental on our "forever" dream home. The home sleeps 19 in beds and is around 5500 sf. This would be for responsible families (most with small kids) looking to visit the Middleton/Madison area along with small friend groups.

Our home is worth around \$1,500,000 and is a luxury ultra modern home. It is VERY important to us that we only host families and small groups that will treat it like their own home with the utmost respect. At the higher rental price it naturally attracts mostly these types of people but we have a thorough questioning process to further eliminate any potentially loud groups.

There will be a professional cleaning crew of 3-4 who will spend 10-12 (total) hours cleaning the place and fully sanitizing the home along with myself and my wife helping with the cleaning when available. This ensures that we make sure everything is perfect and in compliance with all safety and comfort measures.

We also invest nearly \$10,000 a year into lawn and landscaping to ensure our property is perfectly maintained year round.

Guests can only have a max of 5-6 vehicles and are asked to park 3 of those in our garage.

Guests must be 25 years of age and go through a screening of questions to ensure they aren't there to party and will take care of our home like it is their own.

Check in is at 3 pm and check out is at 11 am.

No animals are allowed.

No local guest bookings unless we personally know them and are confident they will abide by our strict house rules.

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Next is the actual layout of the neighborhood and our property in general.

The way our neighborhood is laid out with large, 2 acre private lots, makes it an ideal place to host without interrupting or bothering the neighbors. Like we wrote in the attachment, before we realized we needed a permit we hosted 32 families/groups without our next door neighbor knowing it (we weren't trying to keep it a secret). We are simply so spread apart and didn't think it would be an issue.

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- No shoes inside
- Must be over 25 years old to book

The final piece is to be able to monitor, enforce, and respond to a problem on the rare occasion it arises.

We reduced the volume of the two small patio speakers to 65% of max.

We installed a noise sensor in the back patio that would notify us in real time via text if there is loud noise and we can contact the guests.

There are an additional 7 security cameras surrounding the entire home and the Ring doorbell video camera.

Our neighbors have our cell phone number and have been told to text immediately if they have any concerns.

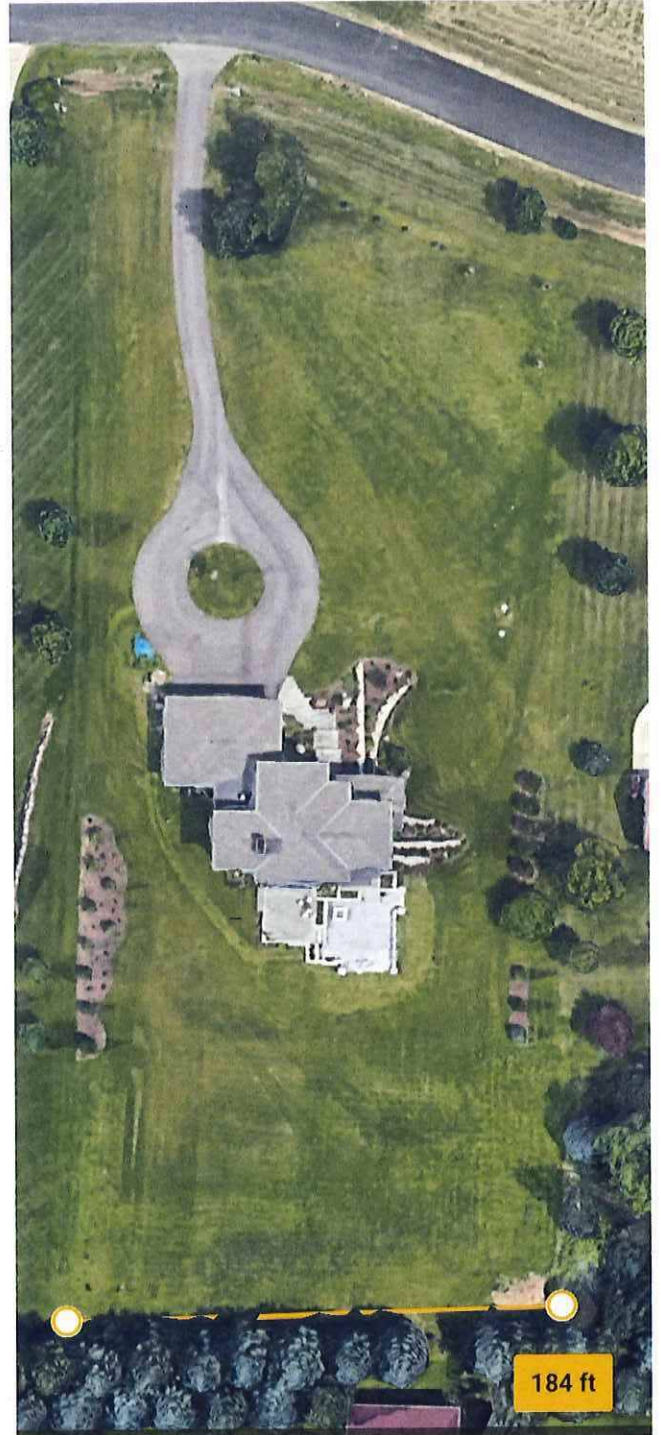
Our Home and Neighborhood Characteristics

The home and neighborhood are currently used as single family residences. Each lot is approximately 2 acres and most have tree landscaping to provide privacy between the homes.

Description of Boundaries

T07NR08E
Section 29 SE of SW Corner
Oak field Estates
Lot 8

Dimensions of property lines (to scale)





Pioneer Rd.

Fallen Oak Circle

* 7537 Fallen Oak Dr.