
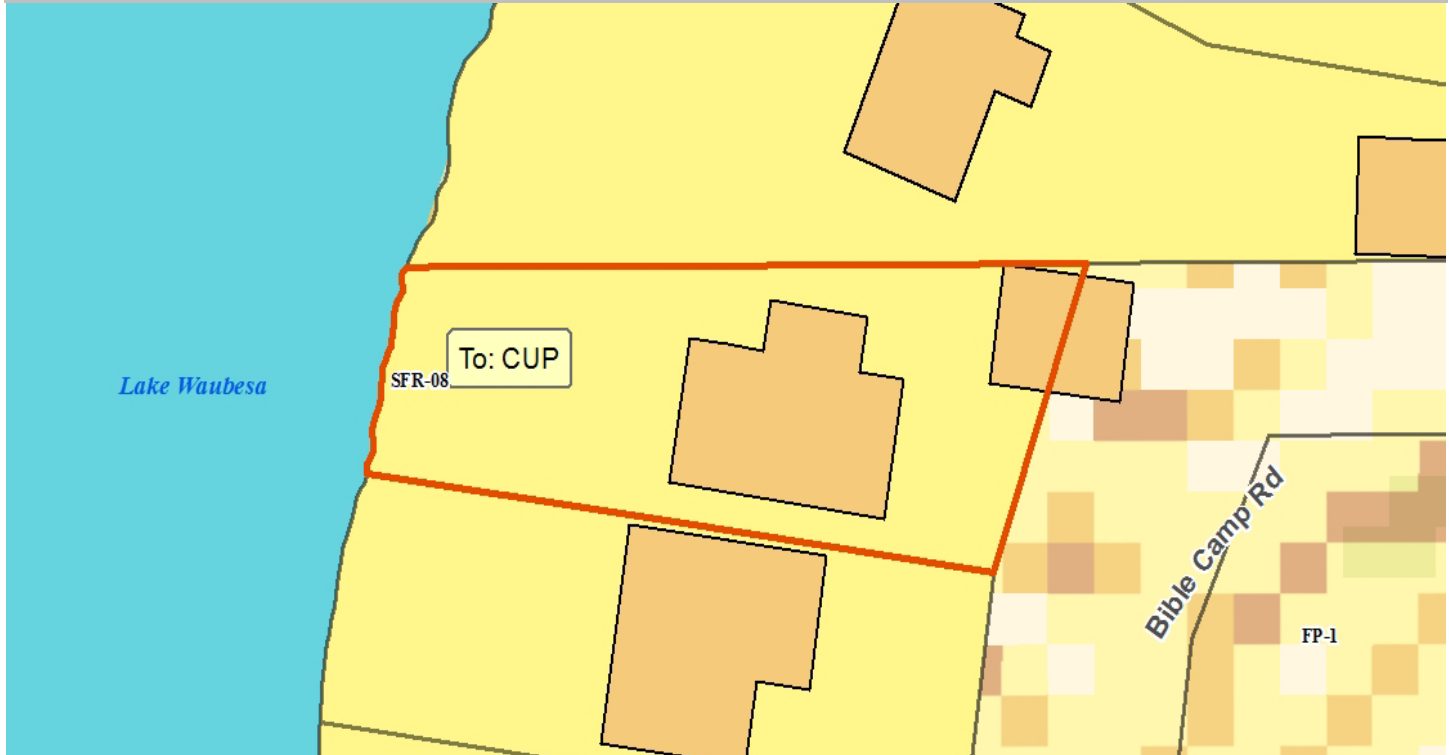


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>May 10, 2022</b>		<b>CUP 02560</b>
	<i>Zoning Amendment Requested:</i> <b>TO CUP: TRANSIENT OR TOURIST LODGING</b>		<i>Town/Section:</i> <b>DUNN, Section 9</b>
	<i>Size:</i> <b>0.2 Acres</b>	<i>Survey Required.</i>	<i>Applicant</i> <b>STEPHAN AND ALEX MESDJIAN</b>
	<i>Reason for the request:</i> <b>TRANSIENT OR TOURIST LODGING</b>		<i>Address:</i> <b>2903 BIBLE CAMP ROAD</b>



**DESCRIPTION:** Owners are requesting approval of a Conditional Use Permit (CUP) for “transient and tourist lodging” (short term vacation rental). Proposal would be to rent the four bedroom dwelling at 2903 Bible Camp Rd for periods of time from 7-29 days with a maximum occupancy of 8 guests.

**OBSERVATIONS/ FACTUAL INFORMATION:** Existing use of the property is residential. Neighboring land uses are residential. The property is served by public sanitary sewer. Off street parking is provided for the property. No additional facilities are proposed for the conditional use.

**TOWN PLAN:** The property is located in the town’s limited sanitary sewer service area.

**RESOURCE PROTECTION:** An area of resource protection associated with the 75’ setback from the ordinary high water mark of Lake Waubesa is present on the property. No new development proposed on or near the setback or shoreland area.

**STAFF:** Transient or tourist lodging is listed as a conditional use in the SFR-08 zoning district. State statutes allow for the short term rental of residences for periods of 1 week or longer. Local governments may require a permit to be obtained, but may only limit rentals to no less than 180 days (either consecutive or non-consecutive) in any consecutive 365 day period. Local governments may also enact licensing ordinances. The town of Dunn has enacted such an ordinance. Note that all such short term rentals must be [licensed](#) through Public Health Madison & Dane County (PHMDC) and inspected

annually to verify the operation meets all requirements of Wisconsin law related to general public health. The applicant has obtained and holds a PHMDC license.

The town of Dunn ordinance also requires a license and limits the rentals to periods of 7 days or more and 180 days total, annually. The applicant indicates that adequate off-street parking is provided, and a 10pm noise curfew is required of guests. See attached house rules.

Pending any concerns raised at the public hearing, staff recommends approval of the petition with the following conditions. Note that these conditions include the town of Dunn's conditions and county standard conditions and are designed in part to mitigate the potential for any conflicts or nuisance complaints from neighboring residents.

#### Town of Dunn Conditions

1. The rental period shall be between a minimum of 7 days to a maximum of 29 days.
2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 8 guests over 12 years old and no more than 8 total guests.
5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
6. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.
7. Holder of the CUP is required to obtain and keep current all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
8. The CUP will terminate when the property is sold.

#### Standard conditions of approval (apply to all conditional uses)

9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan. This includes compliance with the 10PM-7AM neighborhood quiet time noted in the house rules.
10. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.
11. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
12. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
15. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those

premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

16. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
17. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
18. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

**STAFF UPDATE (5/18/22):** The ZLR Committee postponed action on the CUP due to public opposition presented at the hearing by a neighboring resident. The neighbor expressed support for monitoring the short term rental by requiring a “sunset” clause that would expire the Conditional Use Permit after some period of time. Expiration dates are permissible for CUPs in order to meet the standards for approval of a CUP in the zoning code, but must be supported by appropriate findings of fact.

There have been 6 CUPs for transient and tourist lodging approved by the town of Dunn and Dane County in the past year, and each have included similar conditions of approval, including a condition that the permit expires upon sale of the property. Staff is concerned that there are not adequate grounds for requiring a more stringent expiration for this particular CUP request. In addition, under the town of Dunn’s ordinance, licenses expire annually. Failure of a permit holder to obtain the annual town license would constitute a violation of recommended conditions #7, and #12, above.

Staff again recommends approval of this conditional use permit with the 18 conditions listed above.

Any questions about this petition or staff report, please contact Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com)

**TOWN:** Approved with conditions (see conditions 1 through 8, above).