

Submitted by:

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Thank you for the opportunity to address the Zoning and Land Regulation Committee. At the time of the Town of Cottage Grove meeting reviewing the CUP 2709, I was out of state on an extended vacation and could not speak, and my voice was not heard. I believe we received a short 1-week notice from the Town of Cottage Grove, and that was not adequate to change long range plans vacation plans.

I am a retired pharmacist who has a license in Wisconsin and previously in Illinois and Michigan. We returned to Madison approximately 10 years ago to enjoy a peaceful retirement in the country.

I am here tonight to object to the proposed 'Conditional Use Permit' 2709 requested by BEMO Living TR (Peter Miller), 4437 Ridge Road. My relation to Mr. Miller and his family is the direct next store neighbor connecting to the East of the Miller property at 4433 Ridge Road, Deerfield, WI.

I submitted a written statement of our objection prior to this meeting, and I would like to emphasize several points.

1. Our primary concern is not the building, although we believe it is immense/towering and well out of proportion of the existing single family ranch style homes, and not consistent with existing rural properties and buildings – especially his own home as well as ours. Our primary concern is the various commercial businesses being run out of the Miller home and the planned accessory building, as well as the outside storage of commercial construction equipment, vehicles and building materials. We have personally witnessed over the last 6-9 years that the Millers have been expanding use of their property for commercial construction and

remodeling, including but not limited to the storage of commercial construction equipment and construction materials on his property and along with the easement of our shared driveway, covered by a shared driveway agreement. Mr. Miller and his wife, who is a realtor, have a long history of purchasing, remodeling and subsequently managing rental properties throughout Dane and Jefferson Counties. Moreover, the Millers are expanding this commercial enterprise to include new construction of various types of rental properties in Dane and Jefferson Counties.

2. They run businesses and have at least nine rental properties under their personal names, &/or BEMO Living Trust, &/or Miller Property Group, LLC, and/or Complete Quality Construction. These were not disclosed in the application you are reviewing. I believe Mr. Miller is at best, incomplete and misleading in his applications to the Town of Cottage Grove and this Committee. Six of the nine properties are multifamily properties. Under the definition of 'Limited Family Business 10.004(83),' Mr. Miller and his family are well beyond the scope of a 'small family-run commercial operation.' His home, existing attached four-six car garage, outside space and proposed accessory building are all used for a large and growing commercial business.
3. At any one time, there are numerous construction and employee vehicles parked and stored on the property, including the driveway easement. They include but are not limited to a large dump trailer, box truck, 2 bobcats, cargo trailer, fork lift and personal trucks that can tow commercial construction equipment. In addition, he stores construction materials outside on his property.
4. Under Dane County Zoning Ordinance (Ch. 10, Dane County Code) 10.103 (12) (b) "the use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises." His employees, whether day workers, or employees or FTE's, often number more than one (1) AND park their vehicles on the driveway easement. As a result, the storage and additional traffic of commercial equipment and vehicles on his property and the shared driveway easement have resulted in

increasing noise, and safety concerns associated with the increased shared driveway traffic and well beyond what a 'normal' single-family residence experiences.

Dane County Zoning Ordinance (Ch. 10, Dane County Code)10.103 (12)(a) Limited family business. "A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning while at the same time **protecting the interests of adjacent property owners.**" "Applicants for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded. No limited family or rural business shall conflict with the purposes of the zoning district in which it is located."

Throughout Mr. Millers CUP application, he answers the questions as though this is a small 'mom and pop' rental property business. Nothing is further from the truth. His full-time job is managing and expanding the remodeling and construction business. We had to resort to putting up a fence dividing our properties to try and hide the unsightly storage and noise associated with his activities and business. This has had little effect due to the commercial nature of his business. Let me emphasize, this is not just a 'rental property' business, this is a construction and remodeling business!

I don't want to limit Mr. Miller's ability to make a living or build a towering accessory building, but I am asking for consideration of the following items.

1. Mr. Miller should move his commercial business and associated commercial vehicles to another property appropriately zoned for such activities, which there are many in the area.
2. If the committee decides that moving the commercial business is not appropriate, I ask that under the ordinances below, guardrails be put in place, and monitored and enforced.
 - a. 10.103(12)(c) "Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business." I ask that the committee limit the business activities, storage and use of commercial vehicles and construction equipment, and personal vehicles, to those stored inside

of the building and not outside of building especially on the driveway easement anywhere past his lot line.

- b. 10.103(12)(e) “The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.” I ask that the committee not allow for any commercial construction equipment &/or vehicles e.g. dump trailers, box trucks, bobcats etc. to be parked or stored on the property including but not limited to the outside of his property and on the driveway easement over his property line.
3. Under the RR-2 Rural Residential Zoning District ordinance, section 10.102(2)(a), sanitary fixtures are prohibited in accessory buildings.’ The proposed toilet and bath for his accessory building will be used by his expanding commercial business and employees, not just family members. I ask that the toilet plans be discontinued according to the ordinance.
4. Mr. Miller plans to use the second story for wrestling or other sporting activities. Although these activities may not be open to the public, the public will be utilizing the proposed accessory building, along with the additional associated traffic on our shared driveway. I oppose the additional public traffic/parking associated with his coaching and planned activities for profit or otherwise.

Under 10.242. RR-2 (Rural Residential, 2 to 4 acres) Zoning District (1)(b), “such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.” For all the evidence above, Mr. Miller and their commercial businesses exceed all single-family residence I am familiar with.

Thank you for your time and consideration.