

Dane County Conditional Use Permit Application

Application Date	C.U.P Number
05/03/2021	DCPCUP-2021-02523
Public Hearing Date	
07/27/2021	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME TYROL PROPERTIES, LLC	Phone with Area Code (608) 437-4135	AGENT NAME NICOLE SCHRAM	Phone with Area Code (608) 836-6400
BILLING ADDRESS (Number, Street) 3487 Bohn Road		ADDRESS (Number, Street) 1424 N HIGH POINT ROAD	
(City, State, Zip) MT HOREB, WI 53572		(City, State, Zip) Middleton, WI 53562	
E-MAIL ADDRESS nathan@tyrolbasin.com		E-MAIL ADDRESS schram@pdbusineslaw.com	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
3506 Bohn Road					
TOWNSHIP VERMONT	SECTION 28	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0706-284-9550-0		---		---	

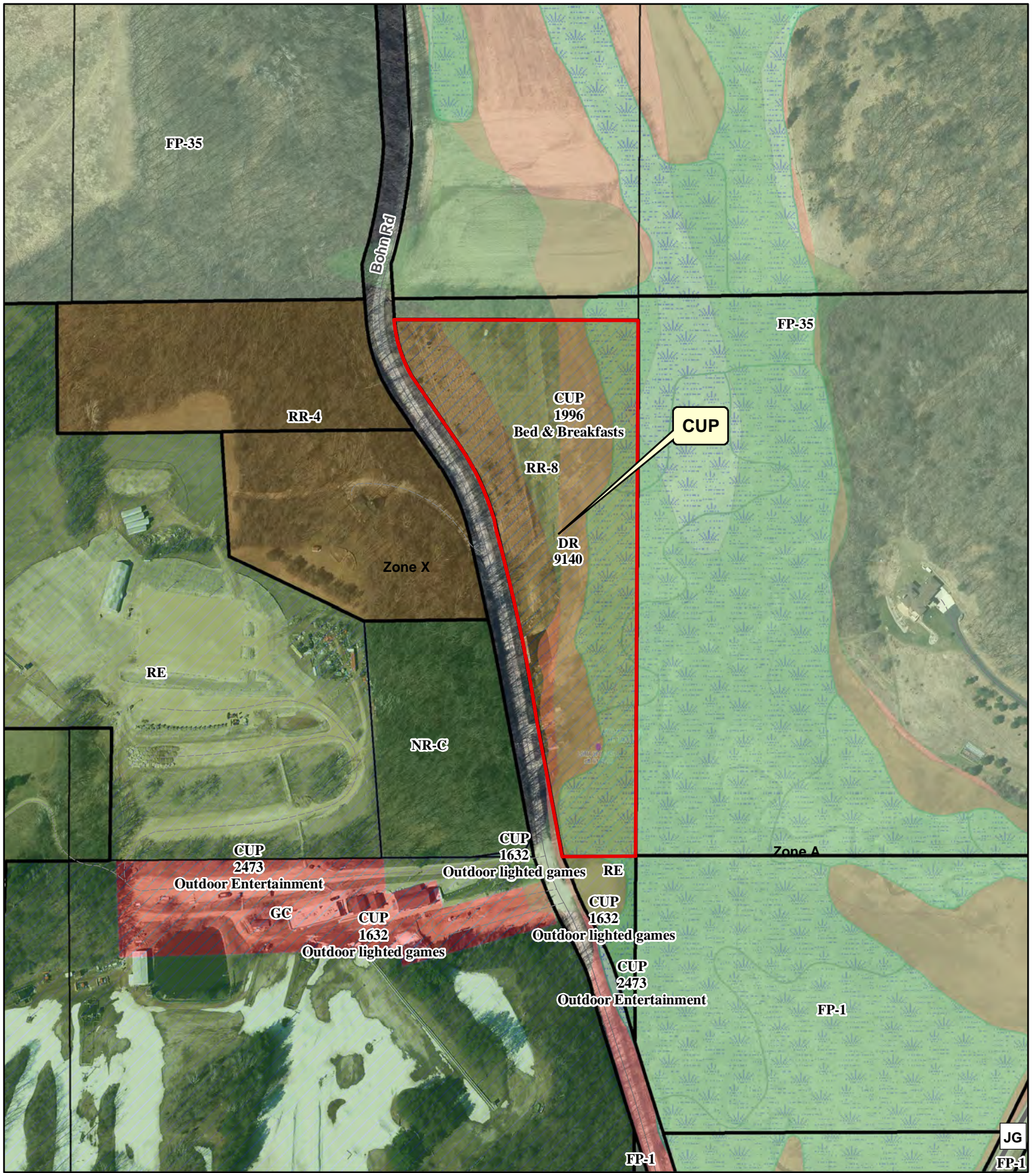
CUP DESCRIPTION

Transient or Tourist Lodging





DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
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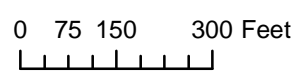
10.244(3)	9.36
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DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	Inspectors Initials RWL1	SIGNATURE:(Owner or Agent) <hr/> PRINT NAME: <hr/> DATE: <hr/>
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Legend

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



CUP 02523
Tyrol Properties, LLC

JG
FP-1



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:	Tyrol Properties, LLC	Agent Name:	Attorney Nicole S. Schram
Address (Number & Street):	3487 Bohn Road	Address (Number & Street):	1424 N. High Point Road
Address (City, State, Zip):	Mt. Horeb, WI 53572	Address (City, State, Zip):	Middleton, WI 53562
Email Address:	nathan@tyrolbasin.com	Email Address:	schram@pdbusineslaw.com
Phone#:	608-437-4135	Phone#:	608-836-6400

SITE INFORMATION

Township:	Vermont	Parcel Number(s):	060/0706-284-9550-0
Section:	28	Property Address or Location:	3506 Bohn Road
Existing Zoning:	RR-8	Proposed Zoning:	RR-8
CUP Code Section(s):	D.C.C. 10.004(160)		

DESCRIPTION OF PROPOSED CONDITIONAL USE

<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>Provide a short but detailed description of the proposed conditional use: The property would be used as a short-term rental, or tourist rooming house.</p>	<p>Is this application being submitted to correct a violation?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
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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 type="checkbox"/> Site Plan drawn to scale	<input type="checkbox"/> Detailed operational plan	<input type="checkbox"/> Written legal description of boundaries	<input checked="" type="checkbox"/> Detailed written statement of intent	<input 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: 4-27-21

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.

The proposed conditional use would be very similar to current use of the Property, with the main difference being that the owner will not reside on property, but within 100 ft. and having direct supervision over the Property at all times.

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.

The proposed conditional use would occupy the current residence less than the current use of the Property as a permanent residence. There will be no changes to Property landscape and only minor updates to current structures.

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.

There will be no change to the use of the property, which is currently a residence with Bed & Breakfast CUP. Further, Tyrol Properties, LLC and its owners are neighbors who share property lines with the Property. They remain committed to minimizing any disruption to rightful development and/or improvement of surrounding property for permitted uses.

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

There are no site improvements needed to accommodate the proposed conditional use.

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.

Current U-shaped driveway for ingress and egress plus ample off-street parking will minimize/eliminate congestion on Bohn Road.

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

Tyrol Properties, LLC will follow all short-term rental requirements, including licensing, seller's permit, room tax, inspection, etc.

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

With minimal changes to current layout and structures, the proposed use will continue to be consistent with local 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.

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 proposed conditional use is for temporary/transient lodging in a residence where the Property owner does not live on site. This proposed use would only take place in the existing residence. There will not be any new improvements added/constructed. Minor landscaping and clean-up of property and residence would only impact cosmetic makeup of Property. There will be no change to topography or layout of Property. The business will be managed by Tyrol Holdings, LLC, the operator of the Tyrol Basin Ski Area across Bohn Road.

List the proposed days and hours of operation.

Available 7 days per week; check in 10-11 a.m. and check out 3-4 p.m.; light and noise restrictions 9 p.m. - 9 a.m.

List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.

All management staff will be employees of Tyrol Holdings, LLC. Maximum number of personnel on premises at any time will be 3.

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 only noise associated with the conditional use would be social gathering sounds such as music and voices. Amplified sound will be restricted to the hours of 9 a.m. - 9 p.m.

Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building.

Only activities taking place outside an enclosed building would be small social gatherings limited to 20 or fewer people. There would not be any materials stored outside.

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.

There will be no construction of new facilities nor infrastructure.

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.

Current wastewater treatment is a mound system. No changes will be made.

List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.

Standard residential sized trash and recycling bins will be on site and emptied into commercial dumpsters used by Tyrol Holdings, LLC.

Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

Only vehicles belonging to registered renters may be parked on Property. There would be no increase from current Property use.

Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.

None.

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 one streetlight on the Property and typical front and back porch houselights. No additional lighting will be used.

Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in s. [10.800](#).

the only signage on site will be address numbers and dwelling unit nameplates, exempt from needing permit per s. 10.803.

Briefly describe the current use(s) of the property on which the conditional use is proposed.

Permanent family residence.

Briefly describe the current uses of surrounding properties in the neighborhood.

Please see attached Zoning map. Tyrol Holdings is a ski area (GC and RE) and other zoning is agricultural land or residential home sites.

APPLICATION FOR CONDITIONAL USE PERMIT- 3506 Bohn Road, Town of Vermont

NARRATIVE ADDENDUM

Tyrol Properties, LLC, Owner of 3506 Bohn Road (the Property), propose that a conditional use of the Property, "Transient and Tourist Lodging," be approved within current RR-8 zoning.

"Transient and Tourist Lodging" is defined as:

A residence that rents more than two (2), but not more than eight (8), bedrooms to transient guests or tourists, where all of the following apply:

- Rooms are rented to no more than twenty (20) individuals who are not members of the landowner's family.
- Length of stay does not exceed twenty-nine (29) consecutive days for each registered guest

It is important to note that the proposed conditional use is different from the previously approved conditional use (permit effective date: January 24, 2006) for use of the Property as a "Bed and Breakfast" in that the Property owner will not reside onsite.

Current use of the Property includes outdoor recreational activities such as bonfires, beekeeping, and raising chickens. Proposed use of the Property would continue options of activities such as bonfires and other small social gatherings but would eliminate permanent residence activities (such as beekeeping and raising chickens.) Noise associated with proposed use will be limited as follows: Outdoor amplified sound (not including machinery or voices) shall be limited to the hours of 9am-9pm, and will not exceed 65 dBA at the property line.

Please see enclosed "Zoning of Neighboring Properties" Map. Neighboring properties are zoned as FP-35 (3 of 8); FP 1 (1 of 8); NR-C (1 of 8); RR 4 (2 of 8); RE (1 of 8). A "key" list of neighbor names and addresses indicated on the map is also attached.

The proposed use of the Property would not change the landscape of the Property as it is currently demonstrated on the Site Plan- Aerial Photo view. There would be no impact to the topography of the land; Bohn Creek will remain undisturbed in neighboring properties.

The proposed use of the Property would not produce more waste or use more energy (in fact, will likely produce less waste and use less energy overall than the current residential use.) The Property and operations, as it relates to potential impact on neighboring properties, remains unchanged. There should be no noticeable impact on, or disruption to, neighboring properties.

Currently, Tyrol Basin attracts visitors to the Town of Vermont for a unique experience year-round. Out-of-town guests are required to travel, at minimum, 12 minutes to and from the nearest hotel. This travel increases wear and tear on our town roads, as visitors often incorporate multiple visits per overnight stay. The primary reason for guests' stays at the Property will be visiting Tyrol Basin.

WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN

Tyrol Properties, LLC will follow all State, County and Town requirements related to short-term rentals, including a short-term rental license, payment of room tax, required inspections, etc.

Temporary Lodging would be available for rent/reservation all days of the week. Weekend rental would require a minimum of 2 consecutive reserved days. Check-in would be approximately 3-4pm and check-out would be approximately 10-11am.

Rental management operations, including check-in and check-out, would be run Tyrol Holdings, LLC (Tyrol Basin), out of Tyrol Basin's office, located across Bohn Road. Property maintenance (both indoor and outdoor) would be managed by Tyrol Basin, with the maximum number of personnel on premise at any time to be limited to 2-4 Tyrol Basin staff members. There would be no full-time equivalents associated with this proposed use.

Anticipated noise will be consistent with that of the current Property use and of any other neighboring residential Property. Anticipated noise will be from small social gatherings, such as conversation, and will consist of 20 or fewer people. Management will post signs on the property that music or other amplified sound louder than conversation will be restricted to the hours of 9am-9pm, and must remain at reasonable levels (65 dBA at the property line). There will be no anticipated odors, dust, runoff, or pollution associated with the conditional use.

The proposed conditional use will not require any newly constructed improvements or infrastructure. Specifically, the proposed use will take place in the current residence (including the deck and yard space on the east side of the residence.)

There will be no changes made to the current wastewater treatment system (a Mound system.) Tyrol Holdings, LLC will manage trash removal in between guest stays using their commercial dumpsters located at 3487 Bohn Road.

Current use of the Property includes a Private family residence that experiences frequent visits from family members with a recreational vehicle. There are three vehicles parked outside the residence regularly, with an additional truck and recreational vehicle parked outside the residence approximately 15-20 days in a calendar year. Proposed use of the Property would not increase traffic into, or out of, the Property nor would it change the parking location. Number of vehicles parked onsite would be limited to 5 non-commercial vehicles. Current ingress and egress is facilitated through the existing U-shaped driveway.

There would be no hazardous, toxic or explosive materials stored on site nor any necessary spill containment, safety or pollution prevention measures.

Current house and streetlights will remain in use. The only additional lighting for proposed use would be ambiance lighting.

No additional signage beyond current address, numbers and dwelling unit nameplates will be used. Per the county's sign ordinance found in s. 10.803, these signs are all exempt from needing a permit.

Neighbor Names, Addresses, and Abbreviation Key:

Gu

Kevin Roy Gundersen
Sharon Wahl Gundersen
3498 County Hwy JG
Mt Horeb WI 53572

T

Tyrol Holdings, LLC
3487 Bohn Road
Mt Horeb WI 53572

M

Nathan and Autumn McGree
3511 Bohn Road
Mt Horeb WI 53572

C

Gary C Cushman
Beverly A Cushman
5911 County Hwy J
Mt Horeb WI 53572

F

FUN Enterprises, LLC
3487 Bohn Road
Mt Horeb WI 53572

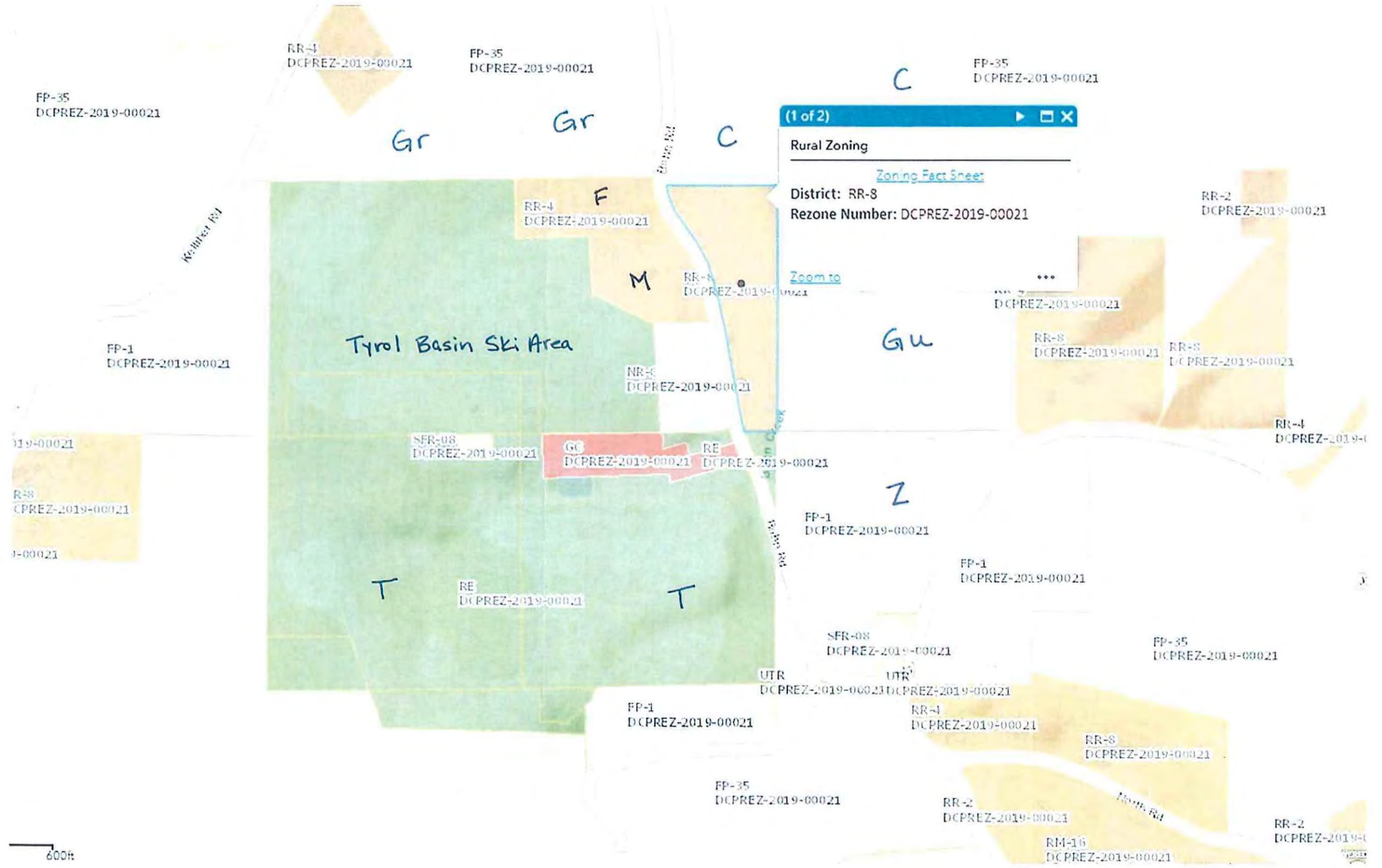
Z

Larry P Ziemer
Patricia L Ziemer
3490 County Highway JG N
Mt Horeb WI 53572

Gr

Grimmer Rev Living Tr
3602 Kelliher Rd
Mt Horeb WI 53572

ZONING OF NEIGHBORING PROPERTIES



(1 of 2)

Rural Zoning

[Zoning Fact Sheet](#)

District: RR-8

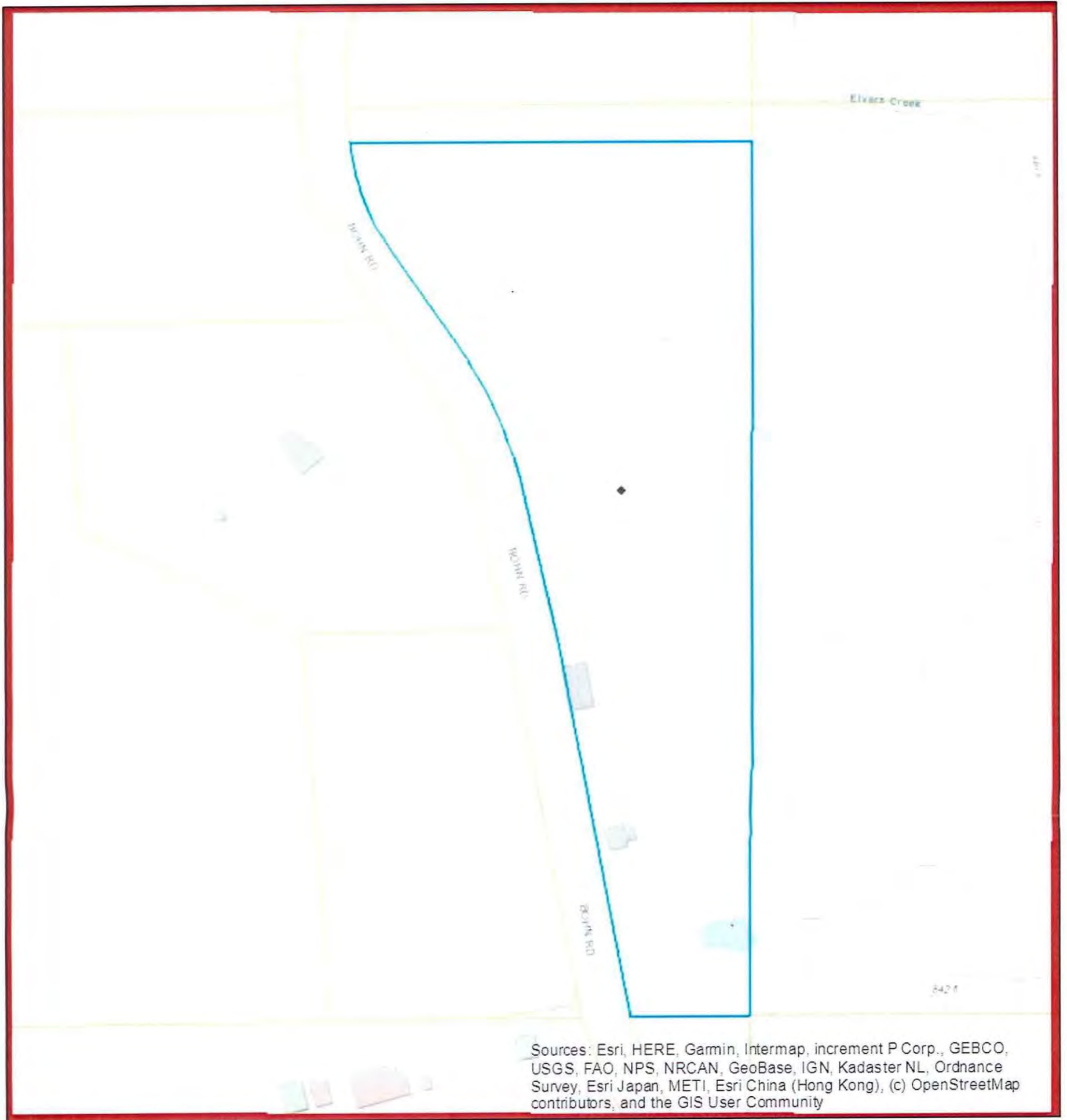
Rezone Number: DCPREZ-2019-00021

[Zoom to](#)

600ft

SITE PLAN- 1

Parcel with Existing Structures: Barn North, Residence South



April 27, 2021

Dane County Mask

Dane County Mask

Parcels

0 125 250 500 Feet

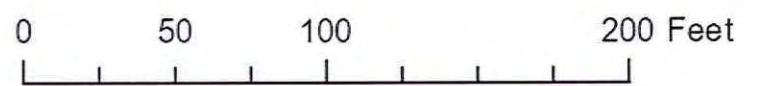


SITE PLAN- 2

The proposed use (tourist lodging) will be limited to the residence. No proposed changes to buildings, driveways, parking, well, septic, landscaping or green space, with the exception of required maintenance.



April 27, 2021



Dane County Mask

Dane County Mask

Parcels

