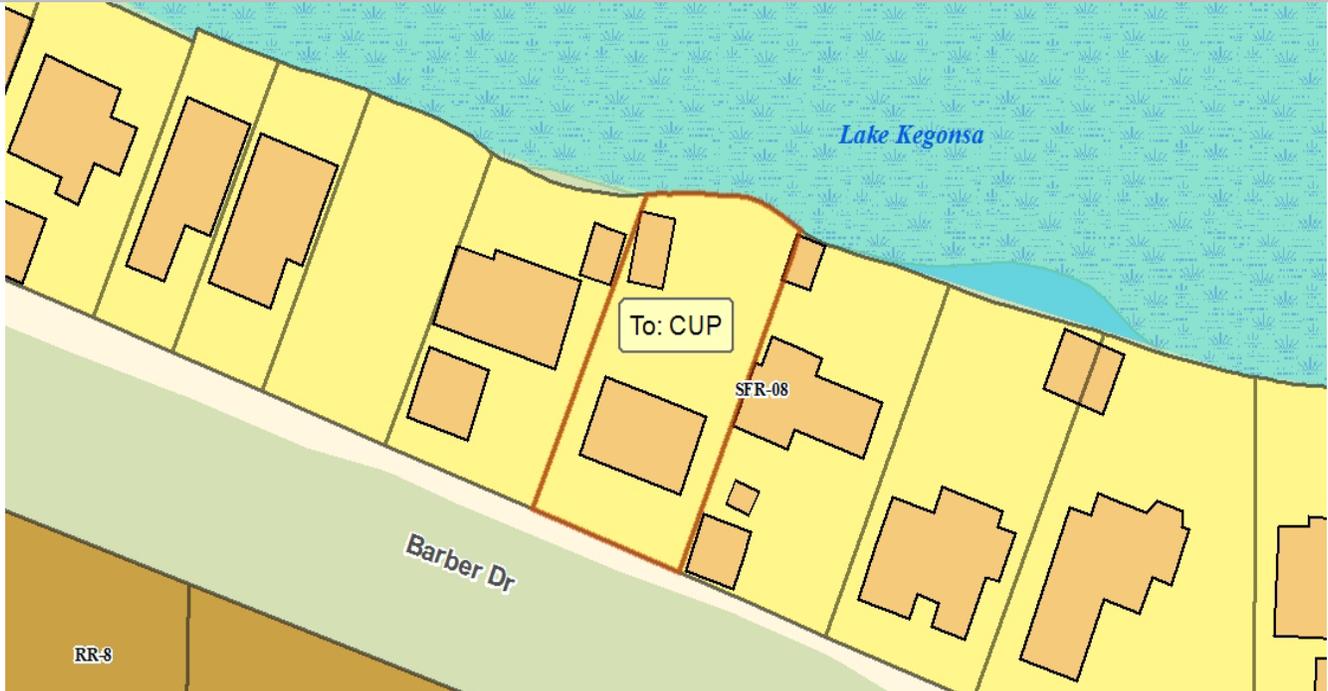


Staff Report  Zoning and Land Regulation Committee	Public Hearing: August 24, 2021	CUP 02528
	Zoning Amendment Requested: TO CUP: Transient or Tourist Lodging	Town/Section: DUNN, Section 26
	Size: 0.2 Acres	Survey Required.
	Reason for the request: Transient or Tourist Lodging	Applicant: ALEX MURESAN
		Address: 1912 BARBER DRIVE



DESCRIPTION: Owner is requesting approval of a Conditional Use Permit (CUP) for “transient and tourist lodging” (short term vacation rental) to resolve a compliance issue – operating the short term rental without a CUP. Proposal would be to rent the residence for periods of time from 7-29 days and up to 180 days / year. This is in accordance with allowances for short term rental that are specified in state law.

OBSERVATIONS/ FACTUAL INFORMATION: Existing use of the property at 1912 Barber Drive is single family residential. Neighboring land uses are residential (lake front homes), rural residential, and commercial (Quam’s Marine and Motorsport). The property is served by public sanitary sewer. As noted above, this petition was submitted to resolve a zoning violation.

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

RESOURCE PROTECTION: There is a small area of resource protection corridor on the property associated with wetlands and 100 year floodplain of Lake Kegonsa. No new development proposed that would impact the resource protection corridor.

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 indicates that their short term rental would follow state guidelines, with a minimum rental period of 1 week, and up to 180 days total, annually. Owner indicates that off-street parking is provided for tenants and a 10pm noise curfew is required of guests.

During the Town review, it was discovered that the boathouse was being rented out as part of the short-term rental. Under County ordinances, accessory buildings (including boathouses) shall not be used for habitable purposes or used as guesthouse or apartments. In 2011, a violation letter was sent to the previous owner notifying them that boathouses cannot be used as habitable spaces. Once learning of this, the applicant has revised their short-term rental advertisement to exclude the boathouse.

The town of Dunn has approved the CUP subject to 9 conditions. Pending any concerns or issues raised at the August 24th public hearing, staff recommends approval of the petition with the 9 town conditions as well as the standard conditions of approval for all CUPs found in section 10.101(7)(d)2.

1. The rental period shall be between a minimum of 7 days to a maximum of 28 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. The existing boathouse on the property shall not be used for habitable purposes. The boathouse shall not be used as a guesthouse, apartment, or for short-term rental space.
4. There shall be no advertising that is inconsistent with Condition #1, #2, and #3. Advertisements must be consistent with Conditions #1, #2, and #3 prior to the issuance of a Conditional Use Permit.
5. Applicant shall not advertise for, nor accept reservations for, more than 4 guests over 12 years old and no more than 8 total guests
6. 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.
7. 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.
8. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
9. The CUP will terminate when the property is sold.
10. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
11. 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.
12. 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.
13. 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.
14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
15. At least six off-street parking spaces must be provided, consistent with s. 10.102(8).
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.

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

TOWN: Approved subject to 9 conditions (incorporated in staff recommendation, above):

1. The rental period shall be between a minimum of 7 days to a maximum of 28 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. The property must be brought into zoning compliance prior to the issuance of a Conditional Use Permit. **If the conditional use permit is approved, the property will be in compliance with County Zoning Ordinances.**
5. Applicant shall not advertise for, nor accept reservations for, more than 4 guests over 12 years old and no more than 8 total guests
6. 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.
7. 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.
8. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
9. The CUP will terminate when the property is sold.