



Dane County Planning & Development

Division of Zoning

January 3, 2022

Dustin and Tessa Maher
7537 Fallen Oak Drive
Verona, WI 53593

RE: Violation of conditions under Conditional Use Permit #2537

Dear Mr. Maher,

On January 3, 2022, The Dane County Zoning Division received complaints regarding your property located at 7537 Fallen Oak Drive. The Zoning Division received several reports of fireworks being discharged on the property on December 31st/January 1st, New Year's Eve.

In a discussion with Zoning Inspector Shawn Widish today, you had stated that the residence at 7537 Fallen Oak Drive was in fact being rented to 12 persons on that date.

Recently, Conditional Use Permit #2537 was issued to the property. Various conditions were placed on the permit in order for the residence to be used for transient or tourist lodging. Specifically, Condition #6 states that the house shall be rented out to no more than 8 persons. Condition # 21 states that fireworks are prohibited. See attached.

Please be informed that the activities that happened on New Year's Eve are in violation of the conditions found under Conditional Use Permit #2537. The rental of the residence exceeded 8 persons and fireworks were discharged on the property.

Under Dane County Code of Ordinances Section 10.101(7)(d)2.a.xiv., "*Failure to comply with any imposed conditions, 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.*"

Notice is hereby given that this matter will be before the Dane County Zoning and Land Regulation Committee (ZLR) on January 11, 2022 regarding violations of the conditional use permit conditions. The Committee will discuss the violations and possible revocation of Conditional Use Permit #2537.

The January 11, 2022 ZLR Committee meeting will be held remotely using the ZOOM meeting app. The meeting will start at 6:30pm. To attend the meeting:

- Join from a PC, Mac, iPad, iPhone or Android device:
Please click or type in this URL to join. <https://zoom.us/j/99539991313>
- Or join by phone: Dial 1-888-788-0099 Enter Webinar ID: 995 3999 1313

A preliminary agenda has been provided. Additional information regarding the meeting will be provided to you on Thursday, January 6, 2022. It is in your best interest to attend the meeting.

Respectfully,

Roger Lane
Dane County Zoning Administrator

Cc: Town of Middleton Clerk
Zoning Inspector Shawn Widish



Dane County Zoning Division

City-County Building
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Madison Wisconsin 53703
(608) 266-4266/266-9083
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DANE COUNTY CONDITIONAL USE PERMIT #2537

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANTS Conditional Use Permit # 2535 for Transient or Tourist Lodging conditioned upon Dane County Code of Ordinances Section 10.101(7)(d) and subject to the additional conditions listed below:

EFFECTIVE DATE OF PERMIT: December 15, 2021

EXPIRATION DATE: December 15, 2022

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

LOCATION: 7537 Fallen Oak Drive, Town of Middleton, Dane County, Wisconsin

Legal Description:

Lot 8, Oak Fields Estates Subdivision, Section 29, T07N, R08E, Town of Middleton, Dane County, Wisconsin

CONDITIONS:

1. This Conditional Use Permit shall expire one (1) year after the effective date. Landowner may renew the CUP by successfully obtaining a new CUP prior to the expiration date.
2. The CUP is granted subject to all standard conditions specified in Dane County Zoning Ordinance Section 1.101(7)(d)2, as applicable;
3. This conditional use permit shall expire in the event the property is sold or transferred to another owner. Continuation or extension of an expired conditional use requires re-application and approval by the Town Board and Dane County.
4. The applicant shall comply with all licensing and permitting requirements for short-term rentals;
5. Landowner will apply for, obtain, and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.
6. The rental shall be limited to 8 overnight renters. Use of the property, including rental, shall be in full compliance with the sanitary permit for the property.

7. The maximum number of allowable rental days within a 365-day period is 180 days. The landowner must notify the Town Clerk in writing when the first rental within a 365-day period begins subsequent to issuance of the CUP.
8. Quiet hours shall be 10:00pm to 8:00am, all days of the week.
9. Peak noise levels shall not exceed 40 decibels [dB(a) scale], as measured at the property line, during quiet hours.
10. Peak noise levels shall not exceed 55 decibels [dB(a) scale], as measured at the property line, during hours other than quiet hours.
11. All renter vehicles must be parked on paved driveway surfaces or inside the existing garage at all times, with adequate access for emergency vehicles.
12. No more than two (2) dogs, with the exception of service animals. All dogs brought by renters must either be leashed or contained within adequate fenced areas while outside. Dogs must be kept indoors during quiet hours.
13. Any new outdoor lighting shall be downward-directed, designed to minimize ambient spill, and shall comply with all applicable requirements of the Town of Middleton.
14. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
15. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site.
16. 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.
17. Failure to comply with any imposed conditions, or to pay reasonable Town/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 reasonable opportunity to correct any violations prior to the revocation.
18. If the transient or tourist lodging operation is abandoned for one year or more, this conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.
19. The operation of all-terrain vehicles, ATVs, and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.
20. Signage is prohibited.
21. Fireworks are prohibited.
22. The owner, or their designated emergency contact person, must be available within one (1) hour to address any problems.
23. The owner or operator must provide the Town of Middleton Clerk with a copy of the current rental agreement no later than the date of issuance of the CUP. In the event the agreement is modified in any manner, the modified agreement must be provided to the Town of Middleton Clerk within ten (10) calendar days of the date the modified agreement is placed in use.

**THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING
AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE
THE FOLLOWING FINDINGS OF FACT:**

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.

2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220 (1).

EXPIRATION OF PERMIT

Upon the allowed land use's cessation or abandonment for a period of one year, this conditional use permit will be deemed to have been terminated and any future use shall be in conformity with the ordinance.