

-----Original Message-----

From: Teri <stella1@chorus.net>

Sent: Tuesday, April 13, 2021 1:06 PM

To: Standing, Brian <Standing@countyofdane.com>

Subject: Cup 2514 Application

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Hello Brian Standing

I am writing to you in response to the CUP 2514 Application filed by property owners at 1331 County Road D (Storytown Road).

I oppose the construction for these reasons.

1. To much traffic in and out with all the bicyclist and cars in the area. This is a big area for cyclists and Hwy D is a very busy area for commuters.
2. The noise that it will have with the large trucks coming in and out 24/7. Deliveries will be made by semi -trucks and straight bed trucks which have back up beepers and are incredibly loud .
3. The property is within 660 feet of our residential neighborhood.

Thank you ,
Teresa L. Adams

Sent from my iPhone

Lane, Roger

From: Anonymous from Oregon, Wisconsin <oregonwisc@gmail.com>
Sent: Friday, April 9, 2021 10:41 AM
To: Lane, Roger
Subject: CUP 2514 (Zuelke, Town of Oregon) - Evidence reveals inconsistencies

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Dear Mr. Lane:

This is a formal request to investigate probable violations of CUP 2514 Proposed Conditions of Approval. Violations pertain to conditions number 1 and 3.

1) 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. Evidence reveals inconsistencies in the property owner's representations depending on circumstances.

- In his January 19, 2021 CUP application, the property owner listed the number of full-time equivalents and maximum number of personnel to be on the premises at any time as 3 family member employees and 1 non family.
- In his April 8, 2021 testimony before the Oregon Town Board, the property owner said he had 3 employees.
- On May 5, 2020, Brother HVAC LLC was awarded a PPP loan reporting 5 jobs. <https://projects.propublica.org/coronavirus/bailouts/loans/brothers-hvac-llc-2239627407>

The Paycheck Protection Program (PPP) is a loan designed to provide a direct incentive for small businesses to keep their workers on payroll.

3) Hours of operation for the Limited Family Business shall be Monday through Friday, from 7:00 a.m. to 5:00 p.m. Brothers HVAC offers 24/7 service. To effectively operate this service, access to the shop/warehouse would be necessitated outside the approved hours of operation.

- On the Brothers HVAC Yelp page, it says they are open 24 hours a day, 7 days a week. <https://www.yelp.com/biz/brother-hvac-oregon>
- On the Brothers HVAC website, it says We offer 24/7 technicians <https://www.brothershvac.net/>

Lane, Roger

From: Anonymous from Oregon, Wisconsin <oregonwisc@gmail.com>
Sent: Wednesday, April 7, 2021 6:25 PM
To: Standing, Brian; Planning & Development; Lane, Roger; jhanson@town.oregon.wi.us; wace0225@aol.com
Subject: CUP 2514 (Zuelke, Town of Oregon)

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April 7, 2021

from: oregonwisc@gmail.com

REGARDING: Petition CUP 2514

Applicant: Matthew Zuehlke (Brothers HVAC, LLC)

1331 County Road D, Oregon, WI 53575-2556

To whom it may concern:

We (spouse and/or minor children) are VERY, VERY OPPOSED to Petition CUP 2514 by Zuehlke's proposing to house his industrial establishment Brothers HVAC, LLC, company, on his residence's land. We live nearby.

The proposal is for a Conditional Use Permit (CUP) for a Limited Family Business for a HVAC contractor. This enterprise does not help rural America in the least.

Heating and air conditioning is light industrial. The proposed land use of this INDUSTRIAL operation is not only "NOT COMPATIBLE," but is offensive to the bucolic nature setting of our quiet, high-end neighborhood. We love longtime family farms like the William Maher/Christensen farm across the street (1244 County Road D, Oregon) and Ace family farm down the road, but HVAC is an INDUSTRIAL

operation. This particular project is a direct threat to our and, we believe, our neighbors', well-being and enjoyment of our homes and land. An HVAC industrial endeavor has no business being in a residential neighborhood. Their operations belong in a formal industrial area.

We object:

(1) On size/scale grounds: When I saw the humongous size of Zuehlke's proposed warehouse, euphemistically called a shed or outbuilding, I nearly fell over: the building is as big, or bigger, as his 4,000 sf house! Egads. I believe the applicants are trying to sneak an industrial operation in, under the rug, in the guise of (terming it) "commercial," or "Limited Family Business." This endeavor is industrial!

Under Brothers HVAC LLC on the Dun & Bradstreet site, it says, "Brothers Hvac ... is part of a Plumbing and HVAC Contractors Industry.

Note the word "Industry."

https://www.dnb.com/business-directory/company-profiles/brothers_hvac_llc.a235cb296f181fe335e71df256d9bdb2.html

Under Brothers HVAC LLC on the Better Business Bureau, it says, "Servicing COLUMBIA County, DANE County, DODGE County, GREEN County, IOWA County, JEFFERSON County, ROCK County and SAUK County." The page further states, "This business is in an industry that may require professional licensing, bonding or registration."

Zuehlke & Company intend to grow. Growth is fine as long as it happens somewhere else—not next to, or near, our home, gardens, and yards.

We are not talking about a small mom-and-pop operation here, as much as Zuehlke and Meyers try to convince others of. It is a major operation. Note the word “industry” which describes their operations.

(2) On noise grounds, I object. Sheet metal is noisy—pipes are noisy—drills are noisy—forklifts are noisy—trucks are noisy—back-up beepers are incredibly loud and noisy (cannot lawfully disengage, at 1000Hz and 97-112 decibels—compact tractors are noisy—dozers are noisy—trash dumpsters are noisy—traffic is noisy—workers are noisy—these are all the trappings of the industrial nature of this HVAC industrial complex.

On the Brothers HVAC Yelp page, it says they are open 24 hours a day, 7 days a week. And they are going to keep from making noise at night? I don't think so.

<https://www.yelp.com/biz/brother-hvac-oregon>

Last but not least, the Brothers HVAC website says:

“HVAC ... installation for remodeling and new construction”

“HVAC projects, large and small”

“24/7 technicians ... serving ... builders.”

If you have had the experience of having a house being build next door—for what feels like forever,— you will recognize the nightmare scenario that Zuehlke and Meyers are asking neighbors to permanently burden. For neighbors, the long-term dilemma of feeling hopeless, grief, hardship, distress, and anxiety due to “noise that does not stop” permeates one's existence, affecting one's well-being. Helplessness damages the heart—there is documented proof that chronic noise causes heart disease—there is a one-to-one relationship. We are not here in the middle of Wisconsin countryside to have “industrial noise” envelope us! It is not going to happen.

(3) This HVAC industrial business would be a “blight” on our neighborhood. It will make property values plummet over the long-term. Any prospective homebuyer is going to say, “There is an industrial installation here. We are not going to sign up for that. Yuck! Move on.” Future possible buyers will know that buying a home near industry will encroach on their peace and quiet, and they will look elsewhere.

This issue could have been resolved earlier had Matthew Zuehlke or Jeremy Meyers consulted with the various neighbors months’ ago. No one contacted us.

We wish the Zuehlke family well, but we cannot endorse this project in the location they propose. They need to find a suitable location to house their industrial enterprise. Neighbors shall not be made to suffer.

Thank you for your time and consideration.

Sincerely,

Anonymous
for fear of retaliation

Lane, Roger

From: Planning & Development
Sent: Thursday, April 8, 2021 11:31 AM
To: Lane, Roger; Klinkner, Patrick
Subject: FW: CUP 2514

And...

From: njbmm@charter.net <njbmm@charter.net>
Sent: Wednesday, April 7, 2021 9:11 PM
To: 'jhanson@town.oregon.wi.us' <jhanson@town.oregon.wi.us>
Cc: Planning & Development <plandev@countyofdane.com>
Subject: CUP 2514

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Jennifer Hanson and Dane County Zoning & Planning,

We are unable to attend the scheduled meeting regarding CUP 2514 Brothers HVAC request to construct a building at 1331 County Road D (Storytown Road).

I have several concerns this issue.

- 1) Storytown RD, Sun Valley Pkwy and County Rd D has a large number of bicyclist from April until October each year, Because of this, I am concerned about the increase in traffic during those months and in the vicinity, especially truck traffic. My wife and I live , bicycle and drive these roads ourselves and know personally that there have been many close calls regularly with vehicles/bicycles. Increasing truck traffic will possibly result in a bicycle/truck accident. It is much harder to stop and redirect a truck than it is a car.
- 2) When are we going to start protecting our farm land? Most communities, including Oregon, have built Industrial Parks for businesses such as Brothers HVAC. These parks are designed for large trucks and equipment to move through the area safely with wider roads and reduced small vehicle traffic. Also, they are away from residential areas to avoid noise and heavy truck traffic around large numbers of residents and pedestrians. Therefore, avoiding and reducing the likely hood of accidents.
- 3) Recently, a lawn and garden business has opened less than a quarter of a mile from that exact location of the proposed CUP 2514 property (1331 County Road D/ Storytown Road). They regularly have trucks and heavy equipment coming and going from that location. Adding another business with heavy truck traffic will add even more congestion to the area and intersection, increasing the probability of accidents. This property is also located on a sharp curve. Again adding even more danger to everyone who uses County Road D, Sun Valley Pkwy and Storytown Roads.

We are not against progress, however, we believe that a location in the Oregon Industrial park would be a better choice for this business.

Thank you.

Galen and Norma Baker

April 7, 2021

We are in strong opposition to the CUP 2514 Application filed by the property owners at 1331 County Rd. D that would let them operate a HVAC fabrication shop and warehouse at this location.

Our opposition is based on the following:

1. First the timing of the application is suspect due to the COVID 19 pandemic as some people will not be able to attend any meetings.
2. The Town of Oregon does not have the resources to monitor and regulate this business.
3. The property is within 660 feet of our residential neighborhood.
4. There will be significant noise pollution from manufacturing and the large trucks required for supplies and deliveries.
5. The business advertises 24/7 service with potential for day and night noise.
6. There is no question that this would lower our property values.
7. This business should be located in a commercial area or industrial park.
8. This business will have significant traffic and security issues that cannot be accommodated by the Town.
9. The business should be near facilities and its customer potential in the Village of Oregon.
10. Locating this business in the Town of Oregon exposes Brothers HVAC and the Town of Oregon to potential liability for hazards, safety, noise pollution, traffic accidents, property devaluation and possibly other issues.
11. Locating the business in the Village would be best for Brothers HVAC, the Town of Oregon and the residents of Raven Hills.

Charles and Sheryl Crawford

From: gary klapper <gnaklapp@yahoo.com>
Sent: Tuesday, April 6, 2021 6:32 PM
To: Planning & Development <plandev@countyofdane.com>
Subject: CUP 2514 Application - Town of Oregon

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Dear Commissioners,

We are writing to voice our strong **opposition** to the CUP 2514 Application filed by the property owners at 1331 County Rd D that would allow them to operate a HVAC fabrication shop and maintain a warehouse at this location.

This property is within 660 feet of our residential neighborhood. We are opposed to creating a light industrial site that would create unwanted noise not only from the manufacturing process but also from the large trucks (semis and flatbeds) that would make deliveries on a regular basis. The back up warning sound would likely carry directly into our backyard where we enjoy the sounds of birds and nature. We are also concerned about fumes from delivery vehicles and other industrial equipment on this site.

It is not clear where on the property the proposed 50 X136 foot fabrication shop and warehouse will be located but this a very large building with seemingly large capacity for industrial noise and air pollution.

The business advertises 24/7 service. This indicates that the potential for industrial noises exists day and night. This is an unacceptable use for the property and we sincerely hope that the request will be **denied**.

We lived near a business at one time where we experienced the annoyance of the backing up of trucks and other industrial equipment. We do not wish to introduce this to our presently peaceful neighborhood.

We also worry that our property value will decrease by having this CUP so close to our neighborhood. Prospective home buyers will surely be turned off by the noise from the facility.

The property owners have other options for their business. There is a very nice Industrial Park in Oregon with space available and this is a more appropriate place for light manufacturing activity.

Thank you for considering our opposition to this CUP.

Gary and Ann Klapper
1297 Hobby Horse Rd
Oregon

To: Town of Oregon Board; Zoning & Land Regulation Committee—Dane County
From: Marlene Collver Storms
Date: April 8, 2021
Re: CUP 2514 Application

As a nearby neighbor of 1331 County Road/Highway D, I am writing to state my objection to the Conditional Use Permit 2514 Application filed by Matthew Zuehlke on behalf of Brothers HVAC, LLC. Locating their HVAC business in rural residential and agricultural areas goes against zoning and the town's land use plan. I wish Brothers HVAC continued success in the future, but attempting to locate their light industrial business in this rural residential and agricultural area is an incompatible use.

My reasons are twofold:

- 1) Brothers HVAC, LLC, does not meet the definition of a limited family business. Dane county zoning ordinance states that a family consists of the related family members who live on the property or up to five unrelated people living on the property. Also, the zoning ordinance states that a limited family business may only have the equivalent of one full time employee living at a difference residence. Of their four employees, Brothers HVAC has stated that two employees live at 1331, a third employee who is related to the family lives elsewhere, and that a fourth employee also lives elsewhere.
- 2) Where I live at 1281 County Road D (Storytown Road), properties are zoned either rural residential or agricultural. HVAC businesses are light industrial operations. Both according to zoning ordinances and the town's adopted land use plan, industrial operations are not to be located in rural residential or agricultural zoned areas. The noise and traffic generated by an HVAC light industrial operation are not consistent with rural residential zoning and will have a negative effect upon other property owners use, enjoyment and value of their rural residential property. This use would be incompatible with current zoning.

My question: What would the dominant use of the property be if Brothers HVAC is allowed to operate at 1331 County Road D? The proposed building is about 2000 square feet larger than the house. Would this change into an industrial property as the dominant use?

Definitions, Zoning Ordinances & Town of Oregon 2007 Comprehensive Plan:

An unanswered question asked by a committee member at the last zoning and land regulation meeting was this: **What is the definition of a family in terms of a limited family business?** Dane County zoning regulations define both the meaning of family from a zoning perspective and the meaning of a limited family business from a zoning perspective. Here are the definitions, taken from chapter 10 of the Dane County Zoning regulations, found online at countyofdane.com. (Bold font added by me.)

10.004 DEFINITIONS

(63) **Family.** A single housekeeping unit, living together on the premises, comprised of either: (a) Any number of individuals related by blood, adoption, foster care, domestic partnership or marriage, or (b) No more than five unrelated individuals.

(84) **Limited family business.** A small family run commercial operation, accessory to a permitted principle use, that takes place entirely within an accessory building. All employees, except up to one or one full-time equivalent, 10.004(73)(b) – (84) Page 10-13 rev. 013120 must be a member of the family residing on the premises.

10.243 RR-4 (RURAL RESIDENTIAL, 4 TO 8 ACRES) ZONING DISTRICT

(1) Purpose. The RR-4 Rural Residential 4 district is designed to: (a) Provide for single-family residential principal uses and a variety of accessory or ancillary uses, including small-scale farming, appropriate to a rural setting, on moderately sized parcels. The RR-4 district accommodates uses which are compatible with both residential and farming practices, are typically found in a rural location and do not require urban services. (b) Such uses typically generate traffic, noise or other impacts similar to those produced by a single-family residence.

The Town of Oregon 2007 Comprehensive Plan, found at danedocs.countyofdane.com, states that industrial uses are permitted only in areas designated for commercial or industrial use. The property at 1331 County Road D is not located in an area considered for non-residential or agricultural use. Here are the pertinent policies from the Town of Oregon 2007 Comprehensive Plan:

Policy 3a) – Requests for Commercial and Industrial Uses – Non-farm related commercial and industrial uses shall not be permitted in this category. Such uses shall only be considered for approval on parcels located in areas mapped as “Commercial” or “Industrial” use on the proposed land use map of this comprehensive plan.

Policy 12v) – Compatibility of Land Uses – In all instances, any proposed new land use, rezone, land division and building of structures should be compatible to neighboring uses, and not negatively impact the existing value of adjacent uses nor the development potential, productivity, or inherent natural resource value of adjacent properties.

When I stand in my front yard at 1281 County Road D, I can look to the north and see the side of the house at 1331 County Road D at this time of year. When I am driving home on County Road D, west and then south, I can see the driveway and southern aspect of the front yard at 1331 where the proposed Brothers HVAC building and paved area is intended to be built—this is visible at any time of year. The proposed building, with an almost equally-sized paved area in front, will be the first structure people see as they drive into this area.

Also, Brothers HVAC is a light industrial company, not a small family run commercial operation, accessory to a permitted principle use. Brothers HVAC is a mature operation, in existence since at least 2017. My understanding is that Brothers HVAC uses warehouse space in Fitchburg as a base of operation. On Google, Facebook and Yelp, they have almost 200 reviews, all entirely

positive. This is not a new mom-and-pop business just getting started in the family garage, using space that is already available to them. This is a vibrant HVAC operation that has been in existence for at least four years, works on both residential and commercial buildings, and that wishes to build a brand new building entirely devoted to an existing light industrial operation, something not permitted under RR-4 zoning.

If the Brothers HVAC light industrial business is permitted to operate out of the building, would the property at 1331 County Road D still be deemed residential as the principal use? Per an internet real estate search, the house is 4,599 square feet over a main floor and exposed basement. The proposed Brothers HVAC building will have a 50 x 136 feet footprint, so 6,800 square feet at ground level. And there is a proposed paved area that appears similar in size to the building.

When I bought my house in 2007, I did my due diligence by reading town agendas and minutes. When I saw that there had been something odd going on between the previous owners and a neighbor, I did further research. Ultimately before writing an offer, I spoke with the neighbor to see how serious the problem was that made it all the way to a town board meeting. I anticipate future home buyers will do the same research, especially upon seeing a large building used for an HVAC operation in a seemingly rural residential area. Heck, they probably would not even bother doing "research" and just say "no thank you" upon seeing an industrial business in close proximity to a rural residential property. I know that would be my response as a prospective buyer.

When I decided to live in the country, I was deliberately seeking the quiet and privacy that comes with the RR-2 zoning that my home has. I keep my windows open as much as possible. I use air conditioning only a handful of days each summer. An HVAC operation with multiple large trucks entering and leaving the property, and that has posted hours of 7 AM- 5 PM on the CUP application but is accessible 24/7 according to the Brothers HVAC website seems in direct contradiction to my use and enjoyment of my property. I also fear that an industrial operation close to my property would be detrimental to the value of my property when I attempt to sell. I certainly would not buy a house close to an industrial operation, even if it is considered "light industrial."

If Dane County zoning ordinances and the Town of Oregon 2007 Comprehensive Plan are truly meaningful and lawful documents, the Conditional Use Plan 2514 Application should be denied.

Sincerely,

Marlene L. Collver Storms
1281 County Road D, Oregon, WI 53575
marlenestorms@yahoo.com

From: Jared Kleinbrook <jkleinbrook@gmail.com>

Sent: Friday, April 23, 2021 9:42 AM

To: jhanson@townoforegon.wi.us; Planning & Development <plandev@countyofdane.com>

Subject: CUP 2514

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I completely oppose the permission to operate Brothers HVAC out of a newly constructed building at 1331 County Road D. The reason we moved to our current location is to get away from "business" building and the activity that surrounds them. Especially a 24/7 business. I see no value added to the area by development out at that location, just a hindrance to the existing residents in the area.

Thank you!

Jared Kleinbrook