

Dane County Conditional Use Permit Application

Application Date	C.U.P Number
07/29/2021	DCPCUP-2021-02535
Public Hearing Date	
10/26/2021	

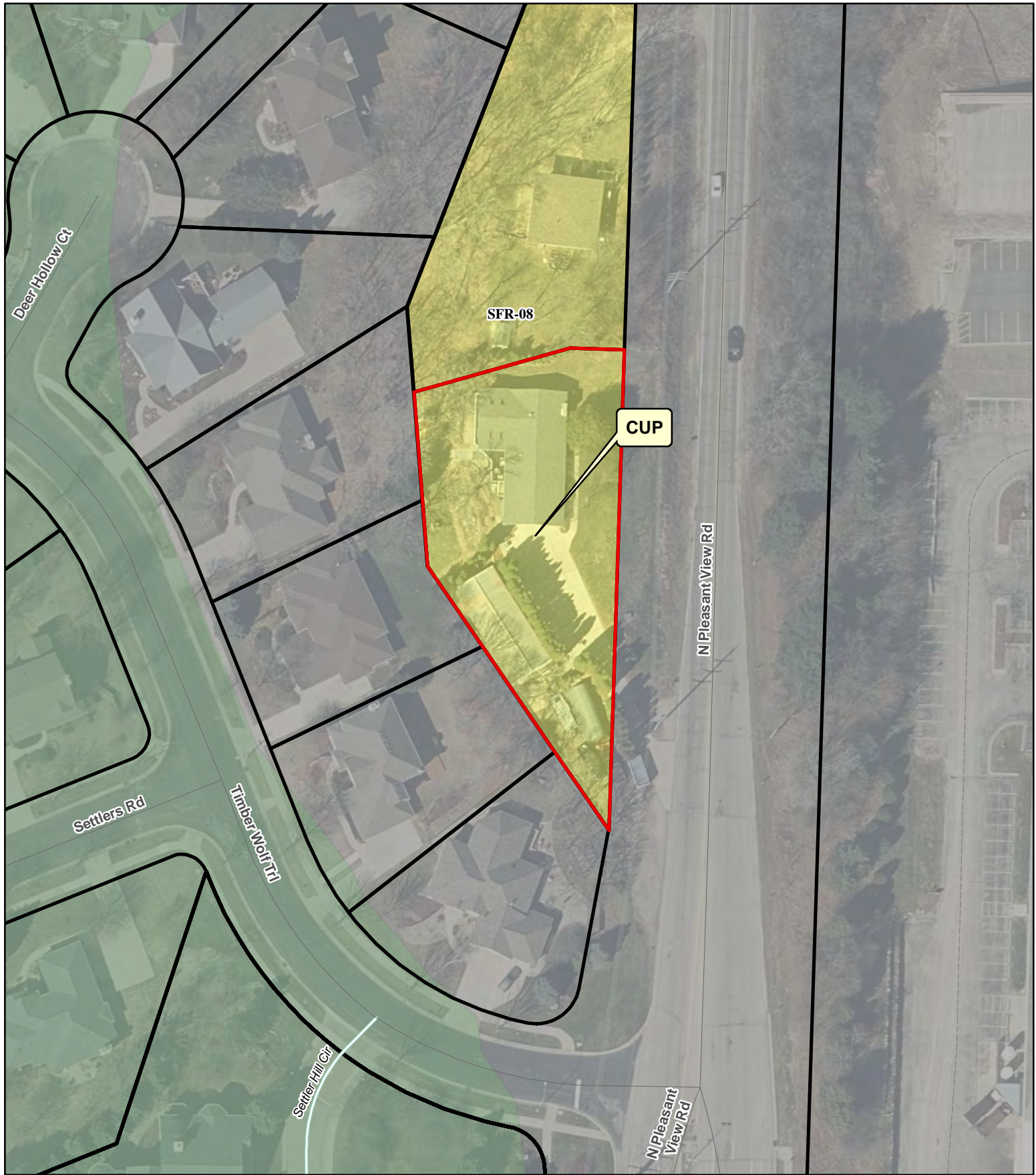
OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME HOWVIEW LLC	Phone with Area Code (608) 335-8808	AGENT NAME DEWITT LLP	Phone with Area Code (608) 217-1939
BILLING ADDRESS (Number, Street) 4884 PINE CONE CIR		ADDRESS (Number, Street) 2 EAST MIFFLIN ST., STE. 600	
(City, State, Zip) MIDDLETON, WI 53562		(City, State, Zip) Madison, WI 53703	
E-MAIL ADDRESS sjtuttle11@icloud.com		E-MAIL ADDRESS bvv@dewittllp.com	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
4073 N Pleasant View Rd.,					
TOWNSHIP MIDDLETON	SECTION 15	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0708-153-9450-4		---		---	

CUP DESCRIPTION
Daycare Center

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
10.251(3)(d)	.489

DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <u>✓</u>	Inspectors Initials	SIGNATURE:(Owner or Agent)
	SCW1	PRINT NAME:
		DATE:



Legend



Wetland

Significant Soils

Class 1

Class 2



0 25 50 100 Feet

CUP 02535
HOWVIEW LLC



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:	Sarah Tuttle	Agent Name:	Barret Van Sicklen (Attorney)
Address (Number & Street):	4073 North Pleasant View Road	Address (Number & Street):	2 East Mifflin Street, Suite 600
Address (City, State, Zip):	Middleton, WI 53562	Address (City, State, Zip):	Madison, WI 53703
Email Address:	sjtuttle11@icloud.com	Email Address:	bvv@dewittllp.com
Phone#:	608-335-8808	Phone#:	608-217-1939

SITE INFORMATION

Township:	Middleton	Parcel Number(s):	038/0708-153-9450-4
Section:	West 1/2 of the SW 1/4 of Section 15	Property Address or Location:	4073 N. Pleasant View Road
Existing Zoning:	Proposed Zoning:	CUP Code Section(s):	Unknown

DESCRIPTION OF PROPOSED CONDITIONAL USE

Type of conditional use permit (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use): Limited family business (family daycare home)	Is this application being submitted to correct a violation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Provide a short but detailed description of the proposed conditional use: To run a family daycare home with no more than 8 children. See attached/enclosed for additional information.	

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 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 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: [Signature]

Date: 7/22/2021

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.

Having 8 young children at the home will not (and currently does not) endanger public health, safety, comfort or general welfare.

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 neighborhood already consists of many homes with young children. Additionally, a homeowner could run a family daycare home out of their property without a conditional use permit if they had 7 or less children at the home. Homes near this location have not experienced any sort of property loss. Not aware of any complaints/concerns from current neighbors regarding the current use.

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.

No signage -- the home looks like any other home in the neighborhood.

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

Yes, there are sufficient utilities, roads, etc. -- has not been an issue thus far whatsoever.

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.

Yes -- there is very little additional traffic as a result of having an extra child at the home (one car twice daily)

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

Yes, see enclosed

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

Yes, see enclosed

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.

Ms. Tuttle is the applicant for a conditional use permit to conduct a family daycare home at 4073 North Pleasant View Road, Middleton, Wisconsin 53562 (Pleasant View). It is our position that Dane County and Town of Middleton Zoning do not require a conditional use permit to run a family daycare home so long as the number of children at the home is seven (7) or less. Ms. Tuttle is simply seeking the ability to have eight (8) children at the home (and no more than eight); a nominal increase over what is already allowed. To the extent a conditional use permit is required to run a family daycare home (regardless of the number of children), Ms. Tuttle then respectfully requests a conditional use permit to run a family daycare home at Pleasant View with no more than eight (8) children.

List the proposed days and hours of operation.

7:30-5:30 Monday-Friday

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

Two

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.

None

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

None

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.

N/A

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.

N/A

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

Nothing different than any other home in the area.

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

A handful of family vehicles will stop by the property twice daily for brief pick-up and drop-off.

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.

None

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

None

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

Single-family home

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

Single-family homes

July 23, 2021

Dane County
Department of Planning and Development
Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703

RE: Conditional Use Permit – Bright Beginnings Day School

Dear Department:

We represent Sarah Tuttle and Bright Beginnings Day School (hereafter “BBDS”). Ms. Tuttle is the applicant for a conditional use permit to conduct a family daycare home at 4073 North Pleasant View Road, Middleton, WI 53562 (“Pleasant View”). It is our position that Dane County and Town of Middleton Zoning do not require a conditional use permit to run a family daycare home so long as the number of children at the home is seven (7) or less. Ms. Tuttle is simply seeking the ability to have eight (8) children at the home (and no more than eight); a nominal increase over what is already allowed.

To the extent a conditional use permit is required to run a family daycare home (regardless of the number of children), Ms. Tuttle then respectfully requests a conditional use permit to run a family daycare home at Pleasant View with no more than eight (8) children.

A copy of Ms. Tuttle’s application for a Conditional Use Permit¹ is enclosed at Tab A.

Applicable Law

A daycare is defined by Dane County Zone Code (Chapter 10) as follows:

(50) Day care centers. A place or home which provides care for eight (8) or more children under the age of seven (7) years for less than 24 hours a day and is licensed as provided for in s. 48.65 of the Wisconsin Statutes.

¹ Note that Ms. Tuttle is also filing for a Condition Use Permit through the Town of Middleton.

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Thus, a single-family home is allowed to care for seven (7) or less children without the need for a license or additional permitting from the County or municipality. Here, Ms. Tuttle is only looking to care for one additional child under the age of seven (7) at the property. However, as set forth above, should the Department disagree and require a conditional use permit to run a family daycare home at the property (even with seven or less children) then Ms. Tuttle respectfully requests the Department grant her a conditional use permit. It should be noted that having nine (9) or more children at a location is considered a group daycare center, and Ms. Tuttle is not licensed nor seeking to run a daycare center at the location.

About BBDS

Ms. Tuttle is the owner of BBDS. She started BBDS in 2002 with the goal of providing exceptional quality care in a safe home-away-from-home environment. BBDS is fully licensed and accredited.

Pursuant to Ms. Tuttle's license with the State of Wisconsin, only eight (8) children are allowed at the home at any given time.² Additionally, the hours of operation pursuant to its license are from 6:30 a.m. through 6:30 p.m., Monday through Friday (although BBDS is typically only open from 7:30 a.m. through 5:30 p.m., Monday through Friday). Moreover, although BBDS is licensed to serve children up to twelve (12) years old, it typically only allows kids to enroll up until the age of Kindergarten.

Finally, pursuant to the terms of the license, Ms. Tuttle and BBDS must maintain certain standards as set forth in Wis. Admin. Code ch. DCF 250. Failure to meet these standards could result in a license being revoked. Since 2002, Ms. Tuttle and BBDS have always maintained a license and have likewise earned the highest accreditation and rating available.

The Department Should Grant BBDS A Conditional Use Permit

Ms. Tuttle is seeking a conditional use permit so BBDS can operate a family daycare home at 4073 North Pleasant View Road, Middleton, WI 53562 with up to eight (8) children. A copy of the site plan for the location is attached at Tab B.³

The Department should grant Ms. Tuttle and BBDS a conditional use permit to operate a family daycare home at this location. A conditional use permit to allow for up to eight (8) children to be cared for at the home should be granted because, among other reasons:

1. The conditional use will not be detrimental to or endanger the public health, safety, or general welfare;

² Provided the appropriate employee/child ratio is maintained as set forth by the State of Wisconsin.

³ Although not relevant for the purpose of granting a conditional use permit, the home must meet certain requirements to be granted a license. This home has met all of the requirements.

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2. The conditional use will not prevent Dane County or the Town of Middleton from providing municipal services to the property;
3. The conditional use will not substantially impair or diminish the use, value or enjoyment of other property in the neighborhood;
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property;
5. The conditional use will have no impact on utilities, access roads, drainage, parking supply, or internal circulation units; and
6. The conditional use will conform with the applicable zoning code and Wisconsin law with respect to family daycare homes.

Summary

BBDS is the type of small, woman-owned business that Dane County should encourage. BBDS is a fully licensed and accredited family daycare home that meets all the standards for granting a conditional use permit. Therefore, the conditional use permit should be granted.

Respectfully submitted,

DeWitt LLP

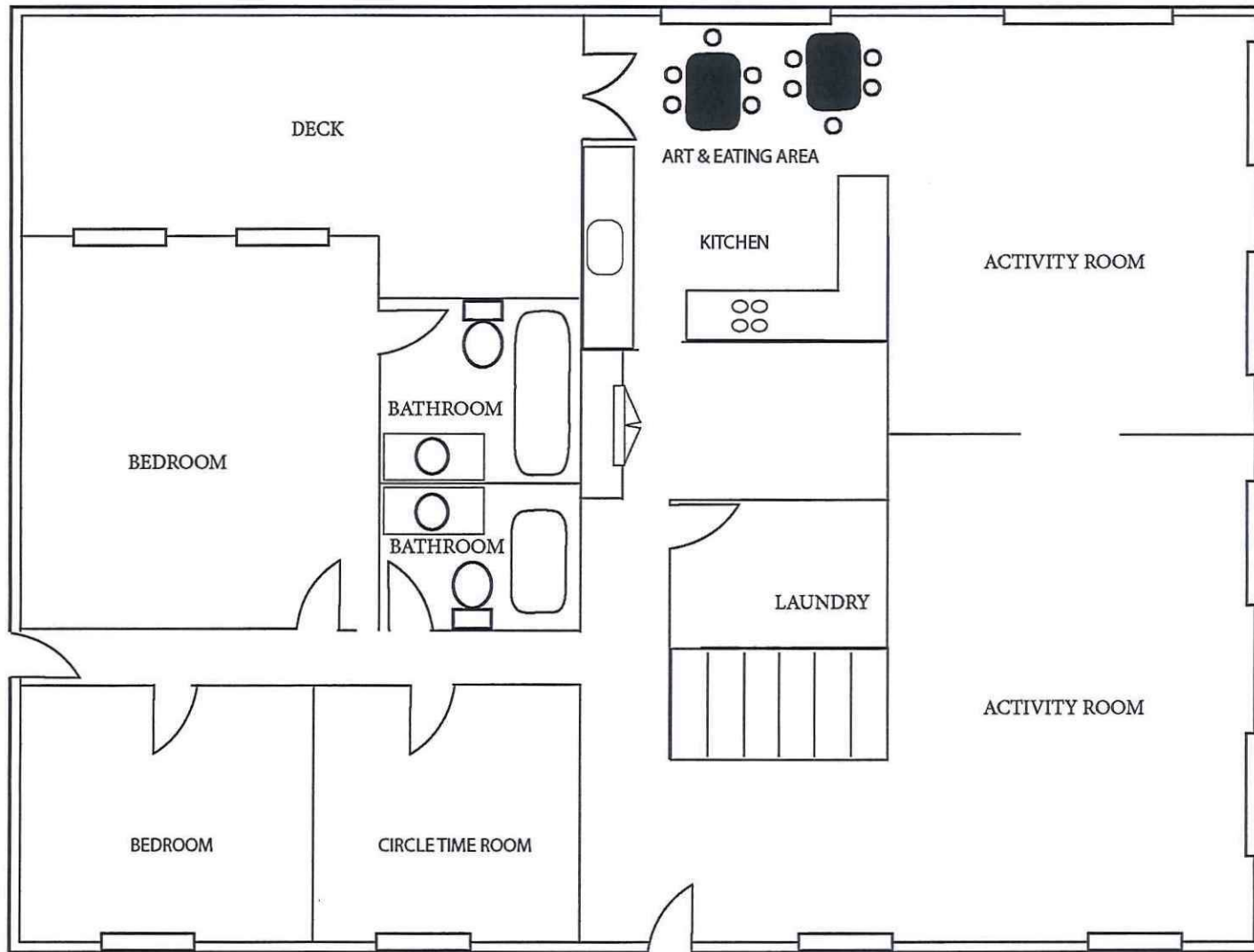
/s/ BARRET V. VAN SICKLEN

Barret V. Van Sicklen

BVV:vlo

Enclosures

cc: Bright Beginnings Day School (via email) (w/enclosures)



BBDS 5 4073 PLEASANT VIEW
MIDDLETON, WI 53562

MAIN LEVEL

Created July 22, 2021

