

## Lane, Roger

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**From:** Kevin Houlihan <houlihan.kevin@gmail.com>  
**Sent:** Sunday, October 17, 2021 6:50 PM  
**To:** Lane, Roger; Planning & Development  
**Cc:** Kevin Houlihan  
**Subject:** Please vote to deny a CUP for 7069 Applewood Drive

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Dear Dane County Board,

Along with my wife and daughter, I'm a resident at 6948 Applewood Drive. I'm writing today to request that you vote to **deny** a conditional use permit for 7069 Applewood Drive. A vote to approve could do irreparable harm to the neighborhood.

As you are aware, 11Eleven LLC, purchased the home at 7069 Applewood Drive to open another branch of their day school business. The Tuttle and Bright Beginnings Day School have applied for a CUP to allow them to operate with 8 children at the location. Bright Beginnings' position is that because the owners of the home are not living at the facility, the facility is not subject to any of the regulations typically applied to Home Occupations and thus can operate with 1 - 7 kids without the typical constraints that may apply if the owner lived there. As you are probably also aware, Applewood HOA has several pending legal actions to determine whether the Day School should actually be allowed to operate with 1-7 children, and if the Tuttle should be allowed to continue to operate in a manner which violates the homeowners association covenants and restrictions.

The Tuttle have the burden of proof to demonstrate that the conditional use meets each of the eight standards established by Dane County before a CUP may be issued. Standard 1 states that the proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare. The Tuttle began operating with 7 children a few weeks ago, and the operations have already started damaging the safety, comfort, and general welfare of the residents of the neighborhood. There have been close calls with traffic, condensed drop offs and pick-ups, and neighbors are concerned about allowing their children to use the street, which has no sidewalks or streetlights, for walking and bike riding near the end of the Day School's business day.

The Tuttle claimed, without any supporting evidence, that their operations would not endanger neighborhood health, safety, comfort, or general welfare. This is another example of disingenuous behavior that they've exhibited. They asserted both verbally in prior application meetings and via submitted documents, that there are many businesses based in Applewood, and provided a map with business names associated with houses. This assertion is deceptive, and misleading. There are no other businesses that involve customer visits. Additionally, the data they provided is false. They claim that my residence, 6948 Applewood Dr. houses a business that our family is not and never has been associated with. We've lived in our home for 8 years. There seem to be other similarly false assertions in the documentation they provided. They have lied about the operations of businesses at other homes in the neighborhood, and their assertion that they meet standard #1 is similarly without support. The Tuttle have also ignored neighborhood architectural guidelines and procedures, and are operating in conflict with our covenants and restrictions.

The Applewood HAO is working to address the legal issues at hand related to an LLC purchasing a home in a single family residential neighborhood and then paying an employee to operate it as a branch of a business. In the last several weeks, after the death of one of our neighbors, another house in the neighborhood was listed for sale. I would ask the Board to consider if it would be okay for 11Eleven LLC or another corporation located in some other remote location to purchase that property as well, and open yet another branch of a commercial daycare operation. Unless the Board votes to deny the CUP, the Applewood HOA's ability to enforce its covenants and restrictions, and protect against unintended interpretations of the law could be irreparably damaged. By voting to deny the CUP, the Board will allow the unresolved issues related to day school operations of 1 - 7 kids to be resolved, and provide time for the Tuttle to deliver proof that the Conditional Use Permit would not endanger neighborhood health, safety, comfort, or general welfare. As 11Eleven LLC / the Tuttle /the Day School have NOT provided proof that they can meet standard #1, the Board has NO CHOICE but to deny the permit.

I ask that you vote to deny the CUP at 7069 Applewood Drive.

Thank you,  
Kevin Houlihan  
6948 Applewood Dr.