

APPROVED MINUTES OF THE JOINT MEETING OF THE SPRINGDALE PLAN COMMISSION AND TOWN BOARD AT THE PLAN COMMISSION MONTHLY MEETING ON AUG. 24, 2020

Due to the COVID-19 pandemic, this meeting was held via Zoom on the computer or via telephone. The Notice of the Meeting with instructions to access the meeting via the internet or telephone was posted in the Town Hall bulletin board in the Town of Springdale, on the Town of Springdale website townofspringdale.org and via the Town-wide email distribution list. Individuals needing reasonable accommodations to access the meeting contact the Deputy Clerk to the Plan Commission at 608-839-0630 at least three (3) business days in advance of the meeting.

IN ATTENDANCE: Rich Bernstein, Ellen Bunn, Jim Hanson, Mike Healy, Amy Jester and John Rosenbaum. (A quorum is present.) Town Chair Mike Fagan, Town Supervisor Richard Schwenn, Vicki Anderson, Deputy to the PC.

CALL TO ORDER: by PC Chair A. Jester at 7 p.m. as a Zoom meeting via Internet or telephone. FYI: During the meeting, attendees will be asked to mute their speakers/phones, unmute their speaker/phones when you wish to speak and identify oneself by name before speaking. A roll call vote will be called for each vote.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on 08/20/2020 at the Town Hall and on the website, as required by law. Due to the public hearing on the Conditional Use Permit, a Class 2 noticed was also posted and distributed on 8/10/2020. The final agenda notice was distributed via the Town-wide email list.

MINUTES: MOTION by M. Healy/\_ to approve the draft meeting minutes of the 7/28/2020 meeting of the Plan Commission, PC, as distributed. Motion to approve carried by voice vote: 5-0: Bernstein, Hanson, Healy, Jester, Rosenbaum, 5-ayes, zero nays.

ADAM WISNER/ADDITION TO EXISTING ACCESSORY BUILDING/DESPINS LANE/SEC. 15: MOTION by A.Jester/J. Rosenbaum to recommend approval of a 9' x 24' lean-to addition to the residential accessory building with the condition -no commercial use of the accessory building. Motion carried by voice vote: 6-0: Bernstein, Bunn, Hanson, Healy, Jester, Rosenbaum – 6 ayes, 0 nays,

DAN HAMILTON/ACCESSORY BUILDING PERMIT/EARLY AUTUMN ROAD/SEC. 5: MOTION by M. Healy/E. Bunn to recommend approval of the 50' x 30' residential accessory building for residential not commercial use, Town to receive written approval of the building as required by the subdivision Home Owners' Association and a cool roof is prohibited. Discussion: The property is subject to a private Homeowners' Association Agreement by which the building is subject to an architectural review by a member. (After the 8/24/2020 PC meeting, by 8/28/2020, the Town had received the written approval of the accessory building by Rick Gordon and David Atwell.) The building plans to include water in a way supported by the Town of Springdale Building Inspector: "The plumbing code requires a sanitary waste system IE (Septic) for the draining of condensate from an appliance such as a boiler/furnace or water heater. A floor drain run to grade from a detached garage is legal without a septic system. If radiant heat is installed in a floor system of a detached accessory building, a system to rid of the PH that the condensate produces must be installed. There are systems out there that get rid of the acid that's in the water from the appliance that DO NOT require a septic system. Keep in mind sinks, toilets etc. are not exempt from sanitary waste or septic, this is only for appliances for heating. The plumbing contractor will need to provide the manufactures specs to me, the Building and Plumbing inspector, before installation." Motion to recommend approval carried by a voice vote: 6-0: Bernstein, Bunn, Hanson, Healy, Jester, Rosenbaum – 6 ayes, 0 nays.

CALL TO ORDER THE TB DURING THE JOINT MEETING OF THE PC AND TB by Town Chair Mike Fagan for the purposes of discussion and action on the agenda item above recommended to the TB for approval by the PC.

(NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed above.)

ADAM WISNER/ADDITION TO EXISTING ACCESSORY BUILDING/DESPINS LANE/SEC. 15: MOTION by R. Schwenn/M. Fagan to approve the 24' x 9' lean-to addition to an existing residential accessory building per the Plan Commission recommendations. Motion to approve carried by voice vote Fagan, Rosenbaum, Schwenn – 3 ayes, zero-nays.

DAN HAMILTON/ACCESSORY BUILDING PERMIT/EARLY AUTUMN ROAD/SEC. 5: MOTION by M. Fagan/J.Rosenbaum to approve per the PC recommendation: no commercial use, no cool roof, written approval to the Town per the subdivision Homeowners' Association. Motion to approve carried by voice vote Fagan, Rosenbaum, Schwenn – 3 ayes, zero-nays

ADJOURN THE TB DURING THE JOINT MEETING OF THE PC AND TB: MOTION by M. Fagan/R. Schwenn. Motion to adjourn carried 3-0: Rosenbaum, Schwenn and Fagan -ayes, no nays.

PUBLIC HEARING CUP – TRANSIENT OR TOURIST LODGING/SN WINDY ACRES LLC – SCOTT NIEBUHR/3158-3160 CTH J/SEC. 1:

Zoning Violation: SN Windy Acres LLC-Scott Niebuhr, in operating a VRBO, vacation rental by owner, without the proper zoning received a zoning violation order from Dane County Zoning dated June 18, 2020. The order instructed the owner to cease and desist operating the business on this property immediately and to remove from the website the advertisement for this rental business. Under the Dane County Code of Ordinances (DCCO), Section 10.004(160) Transient or Tourist Lodging. (a) A residence that rents more than two, but not more than eight, bedrooms to transient guests or tourists, where all of the following apply: 1. Rooms are rented to no more than a total of 20 individuals who are not members of the landowner’s family. 2. Length of stay does not exceed twenty-nine (29) consecutive days for each registered guest. (b) Transient lodging houses may include, but are not limited to: bed and breakfasts, hostels and recreational cabins. (c) Transient lodging does not include: incidental room rental, campgrounds, duplexes, multifamily housing, institutional residential, indoor institutional, community living arrangements, rooming houses or indoor commercial lodging.

The property is zoned Two Family Residential-TFR with an existing duplex. A Conditional Use Permit would be required for transient or tourist lodging in the duplex. To the West of the duplex are two single-family residences. Immediately adjacent to the North is a single-family residence with a business/residential structure further North. To the East and South is Riley marsh/wetlands and the bike trail.

CUP Application: In applying for a CUP now, S. Niebuhr stated that he wishes to bring the property into compliance and realizes he started to rent out one side of the duplex by advertising with the VRBO organization and did not follow-up with all of the rules.

In his experience, the average guests have stayed over a weekend with a few renters for a week-long stay.

He is amenable to an operation plan to define the use, for example: quiet hours, no more than two dogs per side for a total of four dogs and dogs always leashed or in a kennel. He wants the duplex to be a nice place for tourists to stay and enjoy the area and its amenities.

CALL TO ORDER OF THE PUBLIC HEARING: by A. Jester and M. Fagan of PC and TB.

PROCEDURE FOR PUBLIC COMMENTS AT A PUBLIC HEARING:

1. Public comments are an opportunity for the public to provide comments on the subject matter of the public hearing. Public comments should not be made on topics outside the scope of the public hearing.
2. Commenters should understand that members of the TB and PC will not respond to comments or engage in a discussion with the commenter at the public hearing.
3. Commenters should begin comments by stating their name. Individual comments shall not exceed 3 minutes.

COMMENTS:

Kelly Altshul resides in the home across the road on CTH J. Her comments include, but may not be limited to the following:

- \*She does not want the owner S. Niebuhr to take it personally because he has been super responsive when the tenants have been loud at midnight and she has had to call him.
- \*She is not against a rental property where families can come to chill.
- \*But what she has been experiencing since May, 2020, is a different group every weekend and this is with only one side of the duplex rented at this time. S. Niebuhr has been renting only one side of the duplex since May and is preparing the second half of the duplex for rental now. She is terrified when both sides of the duplex are rented. With a current occupancy of 12 people on one side, this could total 24 people in the duplex, which is comparable for commercial standards for a rental facility.
- \*She supports S. Niebuhr consideration of quiet hours. However, she questions how quiet hours could be consistent with the VRBO advertisement S. Niebuhr used listing parties, events and weddings as welcome.
- \*She knows that other VRBO rentals require owners to be on site. S. Neibuhr is not on site and she is left to police the renters. She had to put her children in the basement to sleep in an attempt to get them away from the noise. Her bedroom is only 50’ from her driveway and the sound from the duplex property is loud.

CLOSE THE PUBLIC HEARING: Hearing no more comments, PC Chair A. Jester and TB Chair M. Fagan closed the public hearing.

QUESTIONS: Questions from the Plan Commission with answers from the neighbor and owner include, but may not be limited, to the following:

- \*The duplex consists of three bedrooms and 2 ½ bathrooms on each side of the duplex. Each side of the duplex contains approximately 4000 sq. ft.
- \*The owner advertised sleeping space for 12 renters on each side of the duplex. Each side contains three bedrooms and an additional room for sleeping.
- \*The owner had planned on seven beds in each side: two king beds, one queen bed and four twin beds.
- \*The Dane County Sheriff’s Office did respond to a disturbance after midnight call this summer. In addition to the calls to the owner for noise at night, the neighbors called in a complaint for loud music at 6 p.m. on a Sunday afternoon. The owner did explain that

when the backyard gets wet due to its proximity to the wetlands, the guests have convened on the driveway near CTH J. Unfortunately, he said, the noise from the driveway does travel straight across the road to the neighbors' house.

\*The owner resides two miles North of the duplex.

\*The owner is amenable to conditions to make the VRBO work in Springdale. For example, not allowing dogs could be considered as a rule for renters.

\*The owner does not anticipate renting out part of the duplex for a long-term rental. Rather, he will concentrate on the VRBO business.

\*Since the owner did not have answers to specific questions re: emergency access, public health requirements for VRBO, VRBO standards for enforcement, etc. the following list of requested information from the owner was prepared for continued discussion at the next Springdale Plan Commission meeting.

**LIST OF ADDITIONAL INFORMATION REQUESTED OF THE APPLICANT INCLUDES BUT, MAY NOT BE LIMITED TO THE FOLLOWING:**

\*Parking site plan to scale

\*Operational plan:

-Rules for renters – only those renting the property shall be on the premises, # of renters in each side of the duplex, no congregating in the driveway

-Quiet hours

-Pet requirements

-No speakers for outdoor amplification of sound or music

-No outdoor music

-No ATVS, no snowmobiles

-Contact information for owner 24/7

\*Screenings to minimize the amplification of sound to neighbors.

\*Documentation of the design size of the septic system - # of bedrooms it may serve.

\*Required licensing from the public health inspector, other required licensing and legal responsibilities of the owner of a VRBO.

\*Review by the fire department serving the residence for emergency access for emergency safety equipment in the driveway.

\*Review by the fire department for required safety features in a rental structure.

MOTION by M. Healy/A. Jester to table the deliberation by the PC until next month since the PC does not have all of the information at this time. Motion to table carried by a voice vote: 4-2: Bernstein – aye, Hanson – aye, Healy-aye, Rosenbaum – nay, Ellen – nay, Amy – aye. 4 ayes, 2 nays.

**PROPOSED FUTURE PLAN AMENDMENT: DISCUSSION ONLY:** J. Rosenbaum submitted a revised amendment to the Plan to establish a policy for a maximum number of acres of agricultural land in a proposed lot. J. Rosenbaum agreed to continue to research his proposal and bring it back to the PC. It was generally agreed that it is a good idea to get something on the books, at least as a starting point in the development of concept plans. PC members are interested in guidelines to help locate proposed lots, when necessary, on agricultural land.

Next meeting: The regular monthly meeting for September is scheduled for Monday, 09/28/2020 at 7 p.m. The deadline for submittals for the meeting is Monday, 09/10/2020. In accordance with Dane County Emergency Management guidance during the COVID-19 pandemic, future town government meetings will be conducted via Zoom.

ADJOURN: MOTION to adjourn by unanimous consent. Respectfully submitted, Vicki Anderson, Deputy to the PC