

January 25, 2020

Dear Members of the Madison City Planning Commission

At your meeting on January 27, 2020, you are scheduled to review proposed changes to the Tourist Room House regulations. The ordinance changes under consideration (file # 58895) focuses on efforts to create an annual permit for tourist rooming houses and amended the supplemental zoning regulations applicable to tourist room houses.

Since I will not be able to attend and provide comment during the public portion of the Planning Commission meeting on January 27<sup>th</sup>, 2020 due to a work engagement. I wanted to take the time to share thoughts from our experience living directly next to a TRH in the Hill Farms Neighborhood.

The brother of the current owner of the property at 5030 Marathon Drive was until August 2019 operating a short-term rooming house that was in clear violation of the current city of Madison ordinances. Our residence is located immediately next door to the property in question. Over a period from February 2019 through May 17, 2019, the brother of the owner was operating three separate AirBNB listings on the property and starting on May 17, 2019, he began operation of a 4<sup>th</sup> unit. During this time period, we experienced a constant churn at this de-facto mini hotel operating in a residential neighborhood with an average of 5 guest per night (every night) with at least one unit rented out 87% of the time.

During this time period, I was verbally slandered by both the owner of the property as well as her brother and was verbally threatened by individuals dropping off customers at this de-facto hotel which raised concerns for my own personal safety. In addition, the transient nature of the inhabitants (customers of the in-part commercial business – de-facto hotel) operating next door at 5030 Marathon Drive directly impacts our personal safety and quality of life. In fact, several members of our family no longer feel safe within their own home. Our daughter, in particular, requested new security measures be put in place. Due to prior trauma histories, this situation has increased her anxiety and promulgated nightmares. The daily unknown nature of occupants staying next door had made her uncomfortable staying at home alone.

Many of our neighbors (especially those whose property borders 5030 Marathon Drive) or live directly across the street share these concerns. As Alder Martin can attest to, it led to a spirited conversation on the Hill Farms Neighborhood Facebook page. This thread resulted in a process that has publicly brought misrepresentations of our lived truths as it related to the operation of the tourist rooming house at 5030 Marathon Drive.

The operational violations of City of Madison ordinances related to the TRH at 5030 Marathon Drive led to issuances of several citations by the city of Madison Building Inspector (referenced as first three attachments). At the time, the lack of response from the city led me to write Mr. Hank to express my concerns. In his reply, Mr. Hank stated *“You noted the difference between the two citations. One letter listed one item while the other listed three items of concern. If you look closely at the citations themselves, you will note the each citation is for one item only. Violation of MGO 28.151, “On-site registry for the operational tourist rooming house was not available.”. The other items were listed in the letter to inform the owner of our additional concerns. MGO 28.151 was chosen because of our belief that it would be easier to prove in court. While listing them in a letter is easy, proving them in court can*

*be difficult.*" At that time, Mr. Hank also indicated that his office was working with the city attorney's office to draft new ordinances related to short-term rooming houses.

In addition to violating City of Madison ordinances, the operation of the tourist room house appeared to be in direct violation of the covenanted relationship that comes with property ownership within the Hill Farms neighborhood as outlined in the covenant attached to each deed of ownership and agreed to at the time of a home purchase. I would call your attention to two specific sections of the Hill Farms covenant:

4. No profession or trade nor any noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood.

13. These covenants and restrictions run with the land and shall be binding on all persons having any interest in said subdivision until terminated in accordance with paragraph 12.

These violations were so significant that through our collective neighborhood and my individual efforts and interactions with Alder Martin and members of the City Zoning Office (Mr. Tucker and Ms. Magdalena) led to their office working with the City Attorney's office (Mr. Strange) to file charges against the owner of the property at 5030 Marathon Drive related to the operation of the TRH at this property and contributed to the development of the ordinance before you tonight to strengthen the City of Madison ordinances related to TRH operation.

While the proposed ordinance will go a long way in improving the ability of the City of Madison to crack down on illegally operated short-term rooming houses such as AirBNB, it still has several structural omissions that if addressed would strengthen the ordinance.

1. The ordinance as written could still allow for an individual to have multiple listings at the same address as in the case at 5030 Marathon Drive. In my opinion, the ordinance should be amended to allow for only one room in a house, apartment or condo to be rented out as a short-term rooming house unless the entire house, apartment or condo is offered for rent.
2. The ordinance as proposed only requires that the guest license plate number if traveling by motor vehicle be recorded but many of the renters at 5030 Marathon Drive arrived via ride-share or taxi. In my opinion, the guest registry should also include a notation for guest arrival via these modes of transportation.

I appreciate the time and consideration that you are giving to this important issue in the City of Madison.

Sincerely



Jay Ford  
5026 Marathon Drive  
Madison WI 53705

Cc:

Alder Arvina Martin

Alder Shiva Bidar

Alder Patrick Heck

Alder Marsha A. Rummel

Attachments:

Citation 1 CB2019-127-03392

Citation 2 CB2019-127-03392

Code Enforcement CB2019-127-03392

AirBNB Summary Log

WISCONSIN UNIFORM MUNICIPAL COURT

\* Deposit Permitted

Cash (For Court Use Only)

B1901045

CITATION AND COMPLAINT

Juvenile

\$ 187.00

Card

**You Are Notified to Appear**

Is this a mandatory appearance?  Yes  No

Date 06/18/2019

Time 9:30  AM  PM

**CITY OF MADISON MUNICIPAL COURT  
RM#203, 210 MARTIN LUTHER KING JR.  
BLVD.**

**MADISON, WI 53703**

**Plaintiff**  City  Village  Town  
**OF: MADISON**

Defendant Name - Last First MI

PENDERGRASS, RAWA

Street Address Post Office State Zip Code

1410 FARRINGTON LN AURORA IL 60504

Driver License Number or Other I.D. (specify) State Exp. Yr.

Date of Birth Sex Race Height Weight Hair Eyes

License Plate Number Plate Type State Exp. Yr.

**Defendant Violated:**  
Ordinance No. **28.151** Adopting State Statute No.

**Description of Violation**

On-site registry for the operational tourist rooming house was not available.

Week Day Month - Day - Year Time At:5030 Marathon DR Registered Agent

Friday, April 26, 2019 6:30:00PM

County: **Dane**

Citation Served:  Personally  Mailed to defendant's last known address

Left with person residing at defendant's residence: Name \_\_\_\_\_ Age \_\_\_\_\_

Print Officer Name Department I.D. No. Date Citation Issued Building Inspection Case Number

Donna Magdalena

Building Inspection

5713

04/26/2019

CB2019-127-03392

MC-2000, 02/06

**COURT COPY**

WISCONSIN UNIFORM MUNICIPAL COURT

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Donna Magdalina	Building Inspection	5713	04/26/2019	CB2019-127-03392

MC-2000, 02/06

**AGENCY COPY**

**AGENCY RECORD**

Date of Disposition	<b>FINDING:</b> <input type="checkbox"/> Guilty <input type="checkbox"/> Dismissed <input type="checkbox"/> Default <input type="checkbox"/> Forfeiture <input type="checkbox"/> Not Guilty \$ _____
<b>PLEA:</b> <input type="checkbox"/> Guilty <input type="checkbox"/> No Contest <input type="checkbox"/> Not Guilty	
Other Disposition:	
Court Officer	Comments

WISCONSIN UNIFORM MUNICIPAL COURT

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MC-2000, 02/06

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Donna Magdalina	Building Inspection	5713	04/26/2019	CB2019-127-03392

MC-2000, 02/06

**DEFENDANT'S COPY: READ NOTICE BELOW**

**INSTRUCTIONS - READ CAREFULLY**

**IF YOU WISH TO DISPUTE THE CITATION**, you must either appear in court at the above assigned date and time, or enter a "not guilty" plea by mail prior to your court date. You may do so even if you already paid the deposit or posted bond. Please include either:

- a photocopy of your citation and your correct mailing address, **OR**
- your correct name and mailing address, citation number, court appearance date listed on the citation, offense and arresting police agency.

These should be mailed to the following court address:

Clerk Of Court  
210 Martin Luther King Jr. Blvd. Room 203  
Madison, WI 53703

The court will schedule another court date and/or trial before a judge without a jury.

**IF YOU DO NOT WISH TO DISPUTE THE CITATION**, simply mail in the "deposit permitted" amount on the top of the citation by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, **OR**
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Make a check **payable to the clerk of court** and mail it to the following court address:

Clerk Of Court  
210 Martin Luther King Jr. Blvd. Room 203  
Madison, WI 53703

You do not need to appear. The court will either:

- accept your nonappearance as a plea of no contest, find you guilty and keep the "deposit permitted" amount as payment for your citation; **OR**
- decline to accept the deposit and order you to appear in court by summons or warrant.

**IF YOU DO NOTHING**, the court may either:

- issue a warrant for your arrest, **OR**
- issue a summons for you to appear in court, **OR**
- find you guilty for failing to appear in court and order you to pay the forfeiture and costs imposed by the court.

For additional questions or concerns please visit the Madison Municipal Court website at <http://www.cityofmadison.com/municipalcourt/> or contact the Madison Municipal Court directly at (608) 264-9282.



Department of Planning & Community & Economic Development

**Building Inspection Division**

Madison Municipal Building, Room 017

215 Martin Luther King Jr Blvd

P.O. Box 2984

Madison WI 53701-2984

Phone: (608)266-4551

Fax: (608)266-6377

[www.cityofmadison.com](http://www.cityofmadison.com)

May 7, 2019

PENDERGRASS RAWA  
1410 FARRINGTON LN  
AURORA IL 60504

**RE: Premises Located At 5030 Marathon DR  
Official Notice No. CB2019-127-03392**

Dear Property Owner:

A reinspection of your property on April 26, 2019, revealed that work done to correct Code violation(s) listed on the above Official Notice was not acceptable or was incomplete after the assigned due date.

The item(s) needing further work are as follows:

Tourist Rooming House (TRH) establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.

TRH must maintain maximum family occupancy rules for the SR-C1 zoning district regulations.

Property must reduce the number of dwelling units/rental spaces to one.

Since the required work was not satisfactorily corrected by the due date, you are being issued a Citation. In addition to the Citation, the Madison General Ordinances require that a fee of \$75.00 be charged for reinspections that do not result in compliance. This fee is independent from the Citation amount and will be invoiced to you separately. All outstanding violation(s) shall be corrected no later than May 21, 2019, to avoid further penalties and fees.

**It is your responsibility to contact the assigned inspector when the work is completed, not later than one week before the new due date, to arrange for a reinspection.** If you fail to contact the inspector and complete the work by the new due date, you may be issued an additional Citation or the case may be forwarded to the City Attorney for appropriate legal action pursuant to the directions of the City Council. Please contact the assigned inspector immediately if you have any further questions pertaining to this case.



Sincerely,

Donna Magdalina

DMagdalina@cityofmadison.com

WISCONSIN UNIFORM MUNICIPAL COURT

\* Deposit Permitted

Cash (For Court Use Only)

B1901092

CITATION AND COMPLAINT

Juvenile

\$ 313.00

Card

**You Are Notified to Appear**

Is this a mandatory appearance?  Yes  No

Date 07/09/2019

Time 9:30  AM  PM

**CITY OF MADISON MUNICIPAL COURT  
RM#203, 210 MARTIN LUTHER KING JR.  
BLVD.  
MADISON, WI 53703**

**Plaintiff**  City  Village  Town  
**OF: MADISON**

Defendant Name - Last		First	MI	
PENDERGRASS, RAWA				
Street Address		Post Office	State	Zip Code
1410 FARRINGTON LN AURORA IL 60504				
Driver License Number or Other I.D. (specify)			State	Exp. Yr.
Date of Birth	Sex	Race	Height	Weight
License Plate Number		Plate Type	State	Exp. Yr.
<b>Defendant Violated:</b>		Adopting State Statute No.		
Ordinance No. <b>28.151</b>				

**Description of Violation**

On-site registry for the operational tourist rooming house was not available.

Week Day	Month - Day - Year	Time	At:5030 Marathon DR	Registered Agent
Wednesday, May 22, 2019	1:05:00PM		County: <b>Dane</b>	
Citation Served: <input type="checkbox"/> Personally <input checked="" type="checkbox"/> Mailed to defendant's last known address				
<input type="checkbox"/> Left with person residing at defendant's residence: Name _____ Age _____				

Print Officer Name	Department	I.D. No.	Date Citation Issued	Building Inspection Case Number
Donna Magdalena	Building Inspection	5713	05/22/2019	CB2019-127-03392

MC-2000, 02/06

**COURT COPY**

WISCONSIN UNIFORM MUNICIPAL COURT

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MC-2000, 02/06

AGENCY COPY

AGENCY RECORD

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Other Disposition:	
Court Officer	Comments

**WISCONSIN UNIFORM MUNICIPAL COURT**

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Print Officer Name <b>Donna Magdalina</b>	Department <b>Building Inspection</b>	I.D. No. <b>5713</b>	Date Citation Issued <b>05/22/2019</b>	Building Inspection Case Number <b>CB2019-127-03392</b>
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MC-2000, 02/06

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Department of Planning & Community & Economic Development

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Madison Municipal Building, Room 017  
215 Martin Luther King Jr Blvd  
P.O. Box 2984  
Madison WI 53701-2984  
Phone: (608)266-4551  
Fax: (608)266-6377  
[www.cityofmadison.com](http://www.cityofmadison.com)

May 24, 2019

PENDERGRASS RAWA  
1410 FARRINGTON LN  
AURORA IL 60504

**RE: Premises Located At 5030 Marathon DR  
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Sincerely,

Donna Magdalina

DMagdalina@cityofmadison.com



City of Madison

**CODE ENFORCEMENT**

**Worksheet**

DUE DATE

05/21/2019

REVIEW DATE

0709-194-0330-6

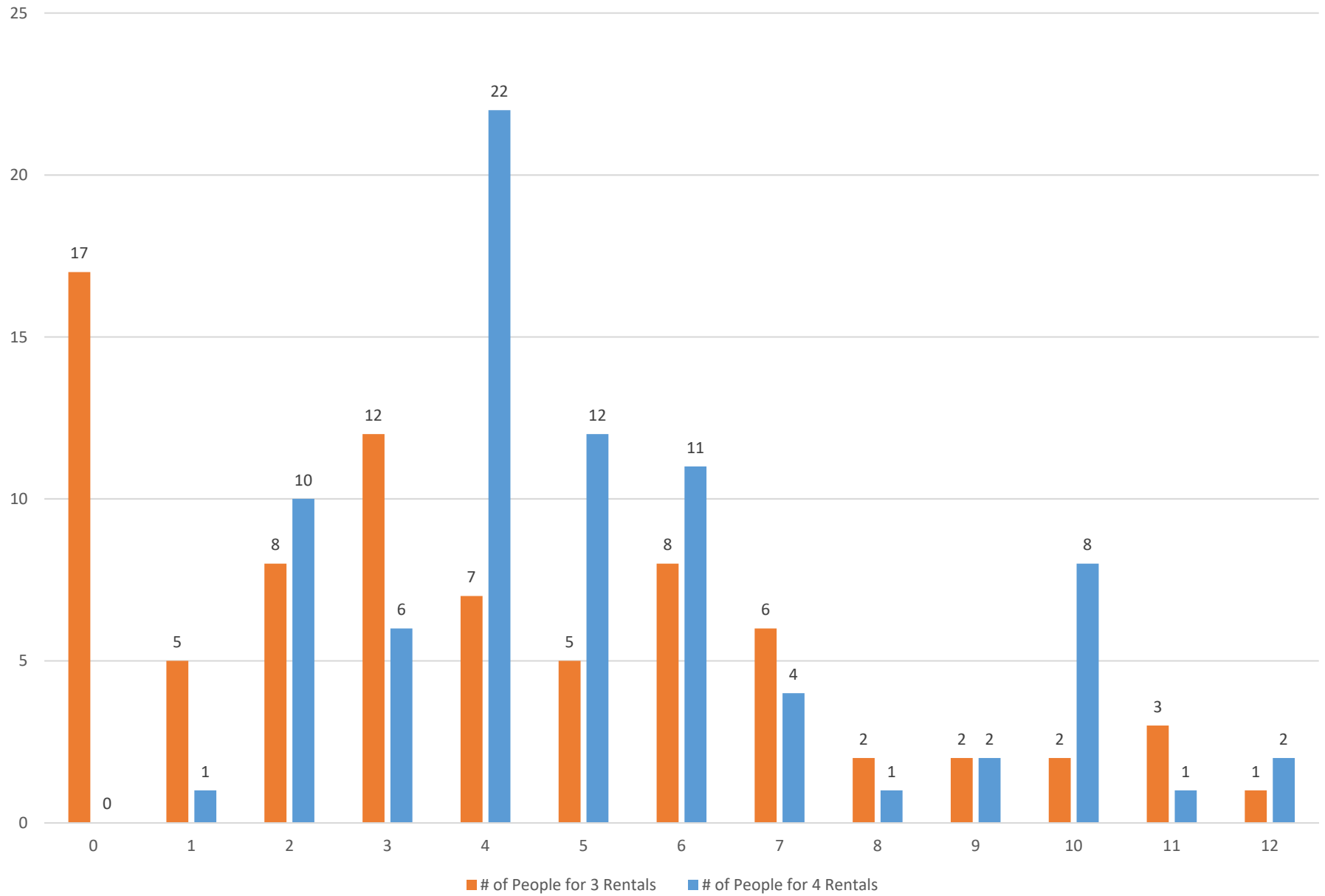
<b>5030 Marathon DR Madison, WI 53705</b>		INSP	CASE NBR	CASE TYPE	
		Magdalina, Donna	CB2019-127-03392	Complaint	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
	h:	w:	<b>Inspections 05/07/2019 - Open Status</b> DJM - 04/26/2019 - Citation DJM - 05/22/2019 - Citation		
REMARKS					
NUMEROUS TRH COMPLAINTS RECEIVED					
OWNER		ORIGINAL TO:			
PENDERGRASS, RAWA 1410 FARRINGTON LN AURORA, IL 60504		PENDERGRASS, RAWA 1410 FARRINGTON LN AURORA, IL 60504			
CC 1:		CC 2:			
NOTES			<b>Workflow 05/07/2019 - Open Status</b> DJM - 05/07/2019 - Citation Due Date - 05/21/2019 AJK - 05/08/2019 - Citation Issued Due Date - 05/21/2019 DJM - 05/24/2019 - Citation Due Date -		
04/26/2019	Inspection with Police Sargent Drescher found no registry available; SFH had been separated into multiple dwelling units; seven (7) unrelated Airbnb guests staying overnight in one of the dwelling units; guests not expecting owner to be on site.				
05/22/2019	Went to property with police officer Lieutenant Lori Chalecki and a police intern staff person. A relative of the property owner answered door but spoke limited English. Property owner's brother eventually came to residence and then property owner came too. The owner and brother showed us all rooms of house except those currently occupied by TRH guests. No registry was available.				

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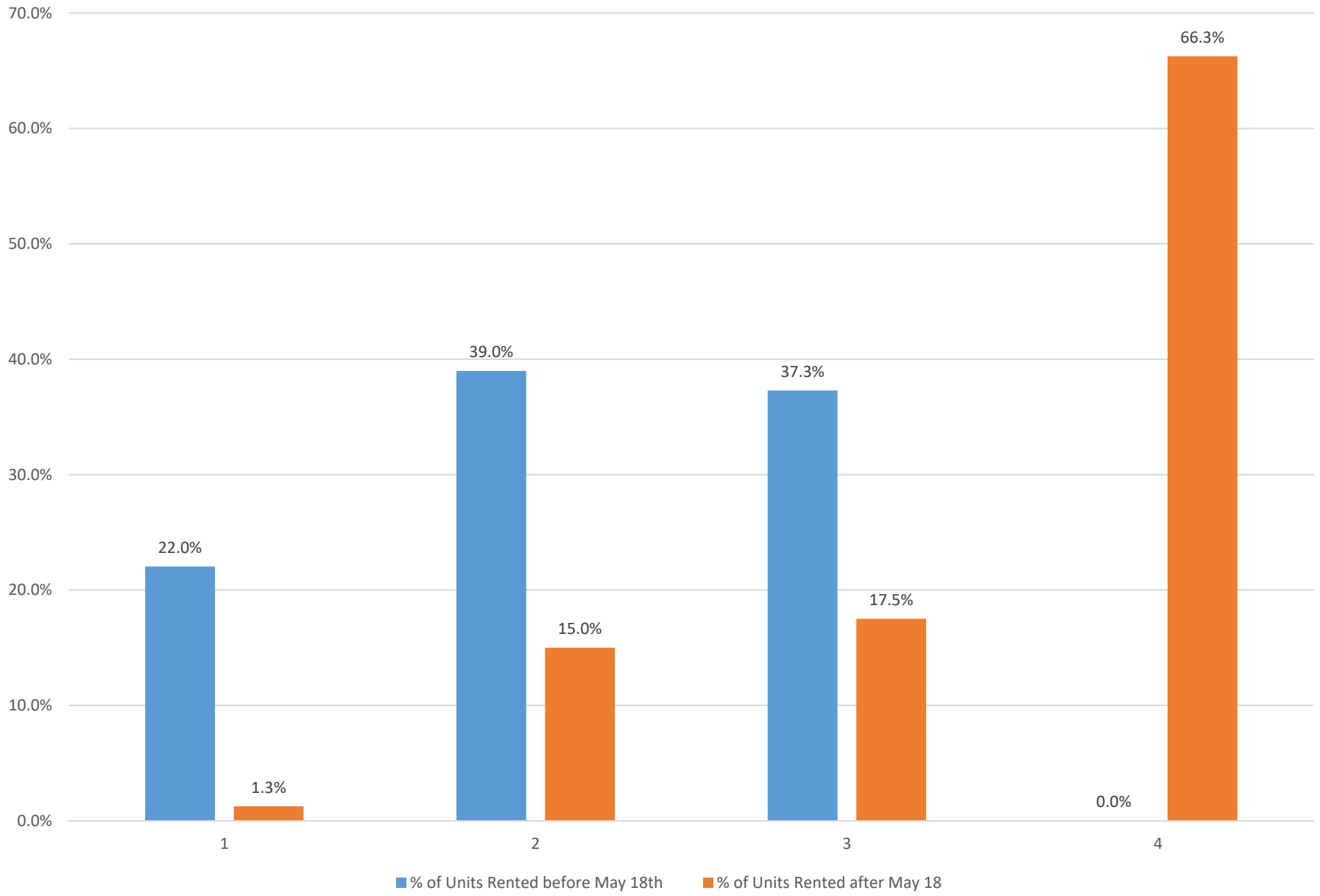




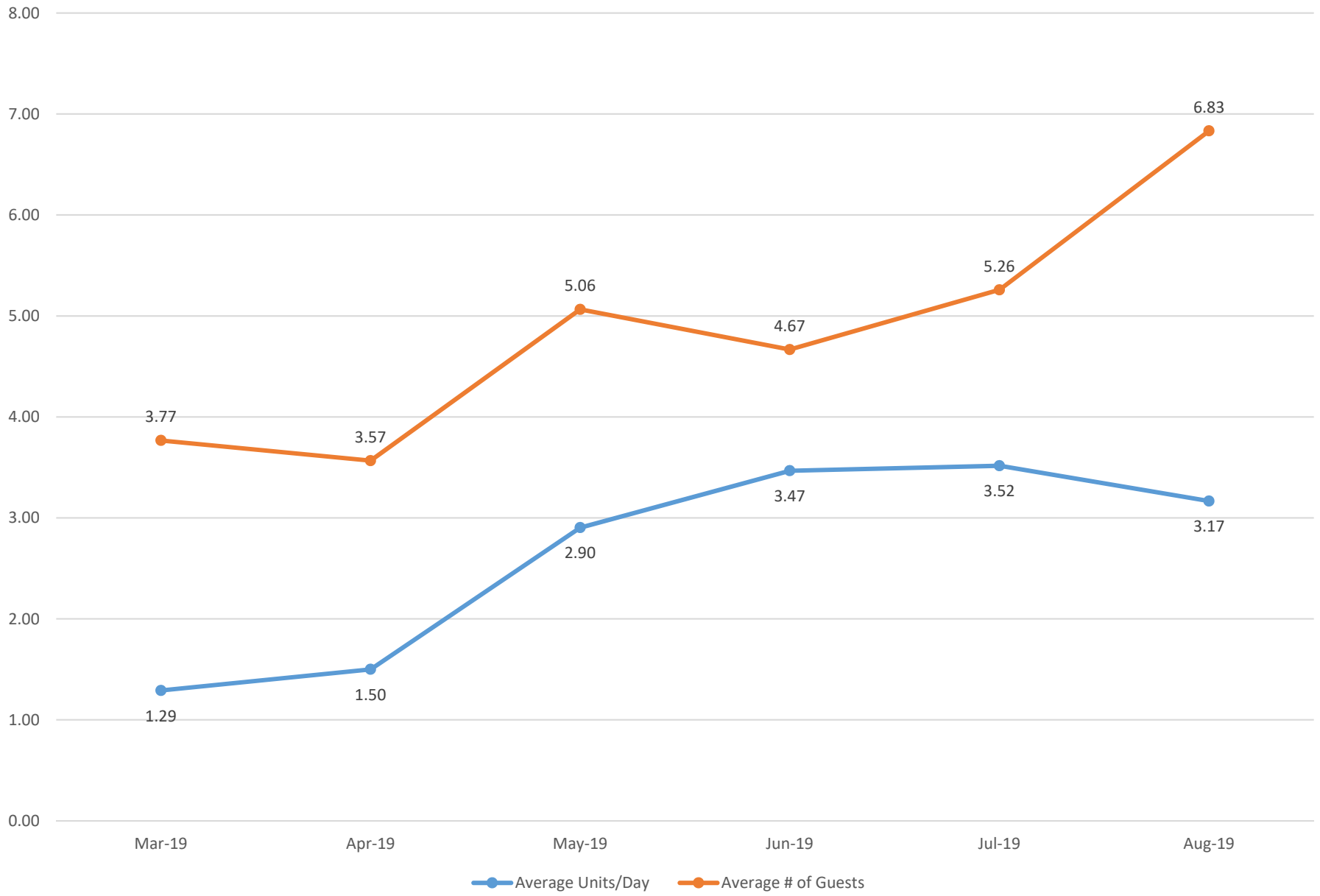
Distribution of Renters Based on Adjusted Renters



### % of Units Rented



### Summary of Hotel Activity by Month



Number of de-facto hotel customers per night-After offline

