

SAUK COUNTY BOARD OF ADJUSTMENT
February 26, 2009 Session of the Board

PRESENT: Bruce Duckworth, Chair
Richard Vogt, Vice Chair
Robert Roloff, Secretary
Halsey Sprecher
Linda White

ABSENT: None.

STAFF PRESENT: Gina Templin
Dave Lorenz

OTHERS PRESENT: See individual appeal files for registration appearance slips.

Chair Duckworth called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:00 A.M. The Chair introduced the members of the Board, explained the procedures and the order of business for the day. The staff certified that the legally required notices had been provided for the scheduled public hearing. The certification of notice was accepted on a motion by White, seconded by Vogt. **Motion carried 5-0.**

The Board adopted the agenda for the February 26, 2009 session of the Board on a Motion by Vogt, seconded by Sprecher. **Motion carried 5-0.**

Motion by Vogt, seconded by White to adopt the January 22, 2009 minutes. **Motion carried 5-0.**

COMMUNICATIONS:

None to report.

APPEALS:

- A. The Kraemer Co., LLC (SP-05-09) a special exception permit to authorize the renewal of a permit for a mineral extraction site and an expansion of the site.

Dave Lorenz, Environmental Zoning Technician, appeared and gave the history and background of the request as well as photos and a video of site. He then recommended conditions to be placed on the appeal if the request were approved.

Duckworth asked if there are any complaints about the quarry operation for the last 5 years. Lorenz stated none were received.

Duckworth also asked about the Town Board being notified. Lorenz spoke of the rezoning process that has already taken place on the site recently, so it has been to the Town and County Board.

Richard Marino, The Kraemer Co., LLC, appearing in favor stated they are looking for the renewal of an existing permit with the inclusion of property adjacent to the existing site. He spoke of meeting with the Town Board and gave a brief history of the mining site and the products produced in the site. He also spoke of their operation and maintaining visual impairments as well as making sure there are no complaints on the site.

Duckworth asked about topsoil. Marino stated it is fairly thin and most of the topsoil/overburden is stockpiled to be used for reclamation.

Duckworth asked about the conditions in the 04 permit. Marino stated they are ok.

White asked about reclamation. Marino spoke of the limited reclamation that has been done and the material that is set to be used for the reclamation in the future.

Bob Jewell, The Kraemer Co., LLC, appearing in favor of the request, spoke of the reclamation and referred them to Exhibit II,23 and reviewed with the Board.

Seeing as no one else wished to speak, Chair Duckworth closed this portion of hearing at 9:17 a.m.

The Board discussed the request.

Motion by Roloff, seconded by White, to approve the request for a renewal and expansion of the site, with the conditions supplied by Planning & Zoning. **Motion carried 5-0.**

B. Robert Luck and Martha Sumi (SP-06-09), a special exception permit to authorize the filling and grading on slopes of more than 20% within 300 feet of Lake Wisconsin.

Dave Lorenz, Environmental Zoning Technician, appeared and gave the history and background of the request as well as photos and a video of site. He also suggested that the Board review the photos submitted by the applicant as they show the site better than the staff photos because of the weather. He then recommended conditions to be considered on the request if the appeal is approved.

Duckworth asked about the variance. Lorenz stated the Boathouse did have permits taken out and it has been constructed. He also noted that there have not been any complaints as far as erosion or other issues related to the boathouse and it was built according to plans.

Duckworth asked about the timing of the project and any concerns of erosion because of that. Lorenz stated that the Department will monitor the project through-out.

Roloff asked about the 2 years and if they need to come back to the Board. Lorenz explained that there is a renewal for the land use permit if they do not get it done in 2 years.

Duckworth asked if there is any information that shows how close to the water they will be grading the property. Lorenz referred to Exhibit II-3, page 6, which shows on both sides of the driveway, there will be retaining walls, as well as next to the garage - and appears that all the grading that is being asked for in this request is north of the existing house.

Roloff stated that there is about 50 from the water's edge is erosion control and if that is in place or part of the project. Lorenz stated that there is a drainage swale there already, but the fabric will be there to trap run-off from the project before it gets to the lake.

Duckworth verified that in this request all the grading will be north of the house. Lorenz confirmed that the plans submitted show all grading will be done north of the house.

Robert Luck, applicant, appearing in favor of the request stated that they intend to build an addition to the house and a garage. The garage will be done first and then the addition will be completed after that, and then the landscaping, and explained it will most likely take 2-3 years to fully complete the project. He also stated that all excavation will be done to the north of the house and will be over 125 feet from the lake.

Duckworth asked if he will do the work himself or hire out. Luck stated he will do most of the work himself, but the excavating will be hired out some as well, otherwise done by family members. He also asked that the permit be issued for longer than 2 years and feels they will be done in 2011.

Roloff asked about meeting with the Town Board. Luck stated he was at the meeting they had met and reviewed his request and voted to take no action on it.

Roloff asked if the Town Board had taken action. Luck stated that was correct and stated that they signed the Town Acknowledgement form stating they don't have an objection.

Duckworth asked about Exhibit VII,1, item 6a. Lorenz stated that was a time limit set by Corporation Counsel and the Director having people get a permit to start construction.

Vogt asked if an applicant of a special exception permit does all the work themselves. Lorenz spoke of the main concern doing the site preparation being done, and if they come in a couple years from now to build the garage, if they can do so without disturbing the site greatly, a land use permit can be issued.

Seeing as no one else wished to speak, Chair Duckworth closed the public portion of the hearing at 9:40 a.m.

Motion by Vogt, seconded by Roloff, to approve the request for a special exception permit for filling and grading on slopes of more than 20%, with the conditions listed by Planning & Zoning and changing 6a to read within 4 years, versus 1 year. **Motion carried 5-0.**

C. Lillian Hagi (SP-07-09) a special exception permit to authorize the renewal of a permit to operate a junkyard.

Dave Lorenz, Environmental Zoning Technician, appeared and gave the history and background of the request as well as photos and a video of site. He also mentioned that the area has been greatly reduced since the last special exception permit. He then recommended conditions to be considered on the request if the appeal is approved.

Duckworth asked if any complaints have been received on this site. Lorenz stated the Department has not.

Duckworth asked about the Town Board. Lorenz stated it is included in the packets.

Duckworth asked about other inspections on the site. Lorenz explained that the department does make 2-3 unannounced visits to the site for inspections each year.

Vogt asked where the major part of the salvage cars are located. Lorenz explained. Vogt verified that the hills and trees surrounding do not have any salvage parts or vehicles located there. Lorenz explained and verified that no part of the salvage yard can be seen from Highway P.

Vogt asked about how far back from the road would the first row of cars be. Lorenz thought it was about 900 +/- feet. He also spoke of the previous requests.

Duckworth spoke of this being an ideal place for a salvage yard.

Roloff stated that the immediate neighbor to the west is the DNR and believes if there were any issues, they would not be shy about notifying the Department.

Linda Beebe, applicant, appearing in favor of the request, stated they are downsizing and do comply with all the salvage regulations.

Duckworth asked if she was the owner. Beebe stated she is Mrs. Hagi's daughter.

Seeing as no one else wished to appear, Chair Duckworth closed the public portion of the hearing at 9:52 a.m.

Sprecher spoke of the operation and the need for it.

Motion by Sprecher, seconded by White, to approve the request for a special exception permit for a junkyard, with the conditions listed by Planning & Zoning, modified permit expiration to

10 years versus 5. **Motion carried 5-0.**

D. Harlen Olson (SP-08-09) a special exception permit to authorize filling and grading on slopes of more than 20% within 300 feet of Lake Redstone.

Dave Lorenz, Environmental Zoning Technician, appeared and gave the history and background of the request as well as photos and a video of site. He then recommended conditions to be considered on the request if the appeal is approved.

Duckworth asked to see the amount of filling and grading they are proposing. Lorenz referred to Exhibit II, 3 and 4. He stated that approximately 50 feet by 30 feet is the area to be graded.

Vogt asked about the proposal to build a house and where it would be located. Lorenz stated that according to Steve Sorenson, the location of the house will be below the toe of the steep slope.

Vogt asked if that will require additional grading permits or if it will go with the permit of the house. Lorenz explained how the slope and area will be determined when they build the house, which will most likely be covered under the house permit.

Duckworth asked if they are running into the number of trees that can be removed. Lorenz stated that there are only a few trees in this location and is unsure if they would be exceeding 25% of the shoreline if they remove those trees. He also mentioned that the property lines are not marked, however they do own the property adjacent to the east.

Duckworth confirmed that they should not have the problem with the ordinance in relation to tree cutting. Lorenz stated that is correct, as Steve Sorenson has met on site.

Duckworth asked if the special exception permit was granted, this concern will be relayed to Mr. Sorenson. Lorenz confirmed.

Roloff referred to Exhibit II 3 and the tree cover.

Ryan Olson, applicant, appearing in favor of the request, stated that he is the applicant's son, and that this project came out of a rip raping project and doing the work now at this time in conjunction with that project, versus waiting until they decide to build a home.

Vogt asked about the existing riprap that is in there now. Olson stated about 15 or more years.

Vogt asked if they are doing refurbishing. Olson stated that is correct.

Duckworth asked about the area to do the filling and grading is about 50 feet by 30 feet and what will be done with the dirt that will be removed. Olson stated that he thinks some of the dirt will be used behind the retaining walls and any additional dirt will be distributed on the lot or taken off site. He did say they don't have a plan to take any dirt offsite though.

Olson also mentioned that the Town Board voted to support the request and they have been working to have a plan in place to address soil erosion.

Seeing as no one else wished to speak, Chair Duckworth closed the public portion of the hearing at 10:10 am.

Motion by Roloff, seconded by White, to approve the request for a special exception permit for filling and grading, with the conditions suggested by the Planning and Zoning Department.

Motion carried 5-0.

Meeting adjourned.

Respectfully submitted,

Robert Roloff,
Secretary