

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

PRESENT: Bruce Duckworth, Chair
Richard Vogt, Vice Chair
Halsey Sprecher
Linda White
Dave Wernecke

ABSENT: Robert Roloff

STAFF PRESENT: Dave Lorenz
Mary White

OTHERS PRESENT: Jerry Kaufman and Charles Frank, Sr.

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 Sprecher, seconded by White. **Motion carried, 5-0.**

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

Motion by White, seconded by Vogt to adopt the February, 26, 2009 minutes. **Motion carried, 4-0, with Wernecke abstaining.**

COMMUNICATIONS: None.

APPEALS:

- A. Hillsboro Excavating, Inc. (SP-09-09), requesting a special exception permit to authorize the renewal of a permit for a mineral extraction site.

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

Vogt asked if this was agricultural sand. Lorenz responded that he believed so.

Duckworth asked if there had been any penalty for operating without a license. Lorenz said there hadn't been. Wernecke asked if there had been any complaints against the operation. The reclamation plan consisted of regrading the site and using it as an agricultural field. Runoff was also discussed. Lorenz stated that it appeared the runoff was being contained on the property.

Mr. Charles Frank, Sr., representing Hillsboro Excavating, appeared in favor. He addressed the runoff and silting concerns by stating that the runoff runs into the pit. He also stated that the reclamation will consist of seeding and turning it back into agricultural fields.

White asked how did they miss the permit renewal. Frank responded that he didn't know.

Vogt had questions on the contour map of the 2002 permit. Frank stated that what looked like a hill on the map has been excavated.

Wernecke questioned how far the pit was from the closest neighbor. He was concerned about the side yards.

White asked Frank if there were there any conditions that he would like changed. Frank responded, no. Discussion followed on the length of the permit.

Duckworth asked if the town board had any problems or received any complaints. Frank stated there weren't any problems. He clarified that this pit was for fill sand only, not agricultural sand.

Lorenz appeared again and clarified boundaries of the pit. He stated they were well away from adjoining property.

Vogt asked if Lorenz had any problems with a 10 year permit. He stated, no.

The Chair closed the public portion of the hearing at 9:20 A.M.

Vogt and White didn't see any problems. The length of the permit was discussed. Motion by White, seconded by Duckworth to grant the request with conditions as set forth by the Planning and Zoning Department for a five year term. **Motion carried, 5-0.**

B: Jerald Kaufman, (SP-10-09) requesting a special exception permit to authorize the location and operation of a short term mineral extraction site.

Lorenz appeared and gave the history and background of the request as well as photos and a video of the site. He stated that reclamation has been completed at this site.

Duckworth stated that the only reason this request is before the Board is because the property is zoned exclusive ag. He asked what volume had been removed. Lorenz stated the size is a couple of acres, at most.

Duckworth asked if there was any erosion in the area. Lorenz stated there was a drainage ditch that runs along the east edge of the property but there didn't appear to be any soil getting into it.

Vogt asked if a DNR permit was necessary. Lorenz stated the drainage way is not considered navigable and agricultural drainage ditches can be maintained by the owner.

Wernecke asked about the reclamation. Lorenz stated it will be planted this spring and the Department would check on it.

Jerry Kaufman, property owner, appeared in favor and addressed the Board. He explained that he didn't know this type of activity was considered mining and that a permit was necessary. He stated that they had hauled out 500 large truck loads. He said that a hill had been leveled and was now covered in top soil. Badger Excavating, the contractor on the site, should have known there was a permit needed. White suggested that the owner talk to the farm agency.

Seeing there were no other questions, the public portion of the hearing was closed at 9:40 A.M.

A motion was made by Sprecher, seconded by Vogt to approve the request with conditions as noted by the Planning and Zoning Department. Sprecher stated that contractors should be notified that permits are needed for this type of activity. **Motion carried, 5-0.**

Meeting adjourned, 9:50 A.M.

Respectfully submitted,

Bruce Duckworth, Chairman