

**SAUK COUNTY BOARD OF ADJUSTMENT**  
**April 23, 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 9:03 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 Vogt, seconded by Roloff. **Motion carried 4-0, White absent at this time.**

The Board adopted the amended agenda, which removes item 5c and f from the hearing, as the applications have been withdrawn at this time, for the April 23, 2009 session of the Board on a Motion by Vogt, seconded by White. **Motion carried 5-0.**

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

**COMMUNICATIONS:**

None to report.

**APPEALS:**

- A. Walter Johnson (SP-11-09), requesting a special exception permit to authorize the sale of mobile homes, recreational vehicles, boats, automobiles and trucks.

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.

Walter Johnson, applicant, appearing in favor of the request, stated that he intends to allow people to bring their personal property out to try sell them, no heavy equipment, just motor vehicles.

Duckworth asked if he talked to the Town Board. Johnson stated he did and they are ok with it as long as he refrains from heavy duty.

Duckworth asked about the permit to build a house. Johnson stated that he did get a permit but the house was not built.

Duckworth asked what procedures are in place if people don't pay for putting their equipment there. Johnson stated they will pay upfront and if they don't pay, they will be towed out.

White asked about an approval form from the Town of Baraboo and if there are conditions or if they were put in with his application. Johnson stated that the Town provided him with conditions.

Vogt asked if there is a driveway and access to Highway 12 and if he has been in contact with DOT. Johnson stated there is one there and he has been in constantly communication with them.

Vogt asked if they will require any kind of permit. Johnson stated they have not contacted him and they have been involved to date and they have no issues.

Duckworth asked about the plans for a mini mall. Johnson stated that those plans are still in the works, but with the economy, they had to halt their plans and right now they are just trying to get some income off of the vacant lot.

Duckworth asked about paving. Johnson stated not at the moment, but the original plan does have paving.

White asked if 3 years is what the Town wanted. Johnson stated he asked for 3-4 and the Town requested 3.

Vogt asked about Exhibit IV,5 and II,3 and what the difference is between the two plans. Johnson stated that Exhibit IV, 5 is what the original plan was with the house. Exhibit II,3 is the plan for right now.

Seeing as no one else wished to speak, Chair Duckworth closed this portion of hearing at 9:20 a.m.

The Board discussed the request.

White suggested that if the Board approves, they grant it for 3 years, as the Town has requested, instead of making him come back after 2 years.

Motion by Roloff, seconded by Sprecher, to approve the request with the conditions supplied by the Township of Baraboo, removing the storm water plan removed, as part of this approval, and including the conditions provided by Planning & Zoning, with a 3 year limit. **Motion carried 5-0.**

B. Carol Clement-Stanton ( SP-12-09), a special exception permit to renew a permit issued for a proposed campground.

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 if they have done any work since the first time they came to request approval for this campground. Lorenz provided information on permits that have been received, but no work has been done.

White asked if their letter of credit was still in effort. Lorenz stated he did not know and would have to look into it.

Russ Hanson, appearing in favor for the applicant, stated that he agreed to a 2 year permit from the Board and didn't see the down turn in the economy coming. He did say that the bank withdrew their support since they have been here last, but the bank is stating they are in support as the Dells area is recession proof. To not move forward would be financially devastating. He spoke of the contractors involved in the project.

Duckworth asked if any changes have been made to the plans since the last time he was here. Hanson stated they have not changed any plans.

Duckworth asked if the reason they did not move forward was that they had the bank drop their financial backing. Hanson stated that was correct and with the flooding and recession, the bank withdrew, but after they did a study, they have pledged their support again.

White asked when they would start construction. Hanson stated they would start in the fall and finish in the spring and have it open for business in 2010.

Scott Olerhman, appearing in favor of the request, stated that he represents the group of contractors involved in the project and it is very realistic from their standpoint, and will assure the Board that all work will be done in a professional manner and there is a lot of guys that can be put to work on this project.

Duckworth asked if he will be financing part of it. Olerhman stated he is partially financially involved.

Paul Bremer, appearing in opposition, stated he is the new Town Chair, presenting Exhibit VIII, 1-3, a resolution from the Town Board of Dellona requesting that they deny the petition, as the applicant has not provided the Town with any information or the approval from the Township. He also spoke of the opposition that is still out there and they are requesting that the petition come back to the Town Board and follow that process before this Board hears it.

White asked about the formation of the Plan Commission.

Vogt asked what the position of the Town Board prior to this. Bremer stated that the file was very slim and don't know what kind of letters were sent and such.

White stated the Town Board approved it, however the public at large was not in favor of it and there was much contention between the Town Board and the public. Bremer spoke of petitions filed at earlier hearings of opposition and requested again that the Board deny the request and ask that the applicant follow through with the Town Board. They are trying to protect the neighboring residents.

Vogt confirmed that they are not opposed to it, but want the Plan Commission and the Town Board an opportunity to review the request.

The Board continued to discuss the Town Plan and its status.

Roloff asked that the only reason not to approve this is the concern about financing. Bremer stated there are conditions that were set with the original approvals, the Town wants to review everything to make sure everything is current.

Duckworth stated he is unsure that it's the applicants fault if the Town doesn't have their files.

Roloff, referring to Exhibit III,7 and the covenants. Bremer stated that he doesn't know if this is from the Town or County.

White stated there is not expiration date, so all those conditions would still be in effect.

Lorenz, reappearing. Duckworth asked if the covenants have been signed and filed. Lorenz stated those were drawn up for the original hearing, and the Department does not have copies of them being signed and filed.

Hanson, reappearing in favor, stated that the Town Board was in support of the original request, and all plans are the same, they have not changed.

Duckworth asked if the covenants have been signed and filed. Hanson stated they are filed.

Vogt asked when this was rezoned. Hanson stated 2006 but the process was started in 1999.

Vogt stated that the first Board of Adjustment was given in 2005. Hanson stated he was mistaken and is unsure when it was rezoned.

Seeing as no one else wished to speak, Chair Duckworth closed the public portion of the hearing at 9:53 am.

Duckworth stated he feels the applicant has done everything they asked him to do, so if the letter of credit is not in existence, they can not get permits.

White spoke of previous conditions placed on the applicant by the Board such as turning lanes, signage, etc., and all he is asking for is more time. She also stated she doesn't agree that it should be held up just for the new Town Board.

Vogt stated the project is in the process and feels that if the Township has not resolved this by now, going through the entire process earlier, when is it going to be finalized by the Town.

Motion by Vogt, seconded by Sprecher, to approve the request to renew the special exception permit for 5 years with the conditions placed in the prior permit and with the conditions listed by Planning & Zoning. **Motion carried 5-0.**

C. Lake Redstone protection District & the Town of La Valle (SP-13-09) requesting a special exception permit to authorize filling and grading within 300 feet of Lake Redstone.

This request has been withdrawn at this time.

D. Norbert Meunier (SP-14-09) requesting a special exception permit to authorize the location of a proposed fish farm.

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 about the request and if the applicant will be processing fish there. Lorenz stated he isn't sure.

White asked about the previous business that was located at this site and if that is still going on. Lorenz stated that the gaming business is being phased out and moved to another location.

Norbert Meunier, applicant, appearing in favor of the request stated that the fish will be used to feed the plants and explained the business and the fish will be used to fertilize the plants. He also spoke of no waste water and inspections by Planning & Zoning, as well as the Township also in support of it and everything is contained in a building and nothing is done outside.

Roloff asked about the produce that will be grown and how it is grown. Meunier explained the process.

Sprecher asked if the building will be heated during the winter and if this is a year around process. Meunier stated that is correct.

Duckworth asked what will be done with the dead fish. Meunier stated that he will feed them to his cats.

Duckworth asked about retail. Meunier stated not at this time – he would just as soon sell it wholesale.

Duckworth asked about the Plan Commission meeting if they met. Meunier stated they did meet and they supported it.

White asked about another facility like this. Meunier stated there is one near Milwaukee.

Natalie Busson, appearing as interest may appear, stated she is the Attorney for the Township, stated that she did not attend the Town Board meeting and does not know what the vote was, but they were trying to work out the gaming issue and this was proposed as an alternative use and the Town was generally in favor in that, but does not know anything about the vote.

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

White stated it seems like a viable use of the property and doesn't feel as if it will infringe on the area.

Duckworth stated he is perplexed the Town hasn't responded and spoke of not processing the fish there, which would handle the waste.

Vogt spoke of the process and the water use.

Roloff asked if this was on the agenda of the Town Board, the absence of citizens of Freedom to speak against it is significant.

Duckworth spoke of Exhibit IV,1, signed by the Chair which acknowledges that this is coming to the Board and if they had concerns they would have made them known.

Motion by Vogt, seconded by Roloff , to approve the request for a special exception permit with the conditions listed by Planning & Zoning. **Motion carried 5-0.**

The Board took a 5 minute recess.

E. St. Vincent de Paul Society (SP-15-09) requesting a special exception permit to authorize the location of a proposed charitable or philanthropic institution, a multi-family rehabilitation facility.

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.

George Shalabi, applicant, appearing in favor of the request, stated that they will be providing transitional housing, which will be a place where homeless people or abused people can rehabilitate themselves and get a new start. He then provided a background of transitional housing. He also spoke of St. Vincent providing financial support for those in need and the need for the people that continue to be in need. He spoke of following the requirements of a special exception permit, parking, flooding, transportation vouchers, busing for children, managers on site 24/7 and the security, which is patrolled by the Sauk County Sheriffs Dept. and response time would be in 20-30 minutes.

Duckworth asked about the Townships concerns. Shalabi stated he received something from the Town, but doesn't have it right now.

Duckworth asked how many apartments and how many people onsite. Shalabi stated there are 14 apartments and possibly 40-45 people onsite, including staff.

White stated you anticipate this to be mostly abused women with children and homeless and where will they come from. Shalabi stated yes, that is correct and the people will come from Sauk County, but if they don't, they may accept people from elsewhere.

White confirmed Lutheran Social Services will operate the facility. Shalabi stated that is correct.

White asked how long the people will be there and who will train them. Shalabi stated 1 to 2 years and training will be done elsewhere, not onsite.

White asked when they move into the facility will there be a training program and a plan before they move in. Shalabi stated they will get advice at the facility, but not a training program.

White asked for a timeline. Shalabi stated in a year or so, but the building itself will be put up first and then the apartments will be phased in and it just depends on how fast they will be filled up.

White asked how they selected the site, versus one adjacent to a municipality with services within walking distances. Shalabi stated they searched for a site for a while, but then this came available they bought it. He stated for security purposes it is better to be away from the center of town.

White asked if the abusers cause trouble for people in these units. Shalabi stated it is possible.

The Board continued to discuss the location.

Roloff asked if there is a contact with Lutheran Social Services. Shalabi stated there is no contract, but they are agreeable to a contract.

Duckworth spoke of the ordinance requiring the applicant to prove that the location is necessary, not the structure, but the location. Shalabi stated it could be somewhere else, but the main reason at this time is for security.

Duckworth asked if all of these facilities are in the countryside. Shalabi stated no, but they have high security.

White asked how many staffers and who would be paying wages. Shalabi stated all services would be done by Lutheran Social Services, they were only own the building.

White asked if any families will have special needs, such as language barriers or a handicap? Shalabi stated it is a cross section of single family homes, all types of people. He also stated he spoke to the school superintendent and do not see a problem with bussing children from that location.

James (Matt) Murphy, appearing in favor of the request, stated that St. Vincent de Paul has a very successful store in Prairie du Sac and then provided a resource center there and it is provided to organizations in the community at no cost to them and it has proved to be very successful and a great addition to the community. He also stated that he feels that there is a need to provide women and children a place to go to get out of an abusive environment. He then spoke of other children in the school district with possible language barriers already.

White asked if Lutheran Services operates other facilities like this. Murphy stated there are.

White asked about an example of a contract to be signed. Murphy stated they are in the process of making up that contract now and will provide it once it's completed.

White asked about alternative uses if this were not to take place. Murphy stated they don't foresee an alternative use of the facility and feel it might be something to be used by senior citizens.

Vogt asked about the use in the zoning district and research on other locations adjacent to communities rather than in this proposed location. Murphy stated that this facility located between Sauk and Baraboo was the best location rather than an outlying community and also spoke of lands around it that have multiple family living. He then spoke of traffic, security for the children, and the need for a facility like this.

Roloff asked if any research was done into whether or not the proposed use was permitted under Sauk County ordinance. Murphy stated they did not.

White asked about the convent (multi-family) facility down the road and how long it was there. Murphy stated it has been there for a long time.

White asked if child care will be provided at the site so care will not need to be found. Murphy stated that they will provide childcare when it is absolutely necessary and the other family can assist.

Duckworth asked why this facility is necessary at this location. Murphy stated it fits their requirements exactly, which is why they purchased the property.

Duckworth asked about other ones located in Wisconsin and the location of all those. Murphy stated they don't have that, but will get it.

Tim Colby, appearing in opposition, speaking as the Chair of the Town of Sumpter and Sumpter Plan Commission, stated that the Plan Commission and Town Board discussed and denied the request unanimously. He also stated this is consistent with a survey done as part of their land use plan, the road maintenance issues, lost clustering opportunities and loss of tax base, flooding, and the natural water run off to Otter Creek. He explained in more detail the opportunity for clustering that they have and the chance that they were setting precedence on future land use changes. He spoke of neighboring land uses, sheriff responses, school and bussing concerns, future land use, fencing concerns. He concluded by stating that the Town of Sumpter is not in favor of this request.

Duckworth asked about multi-family house in the comprehensive plan. Colby stated it is there in a number of places. Duckworth stated it violates the comprehensive plan because of the location, not necessarily the use. Colby stated that is correct.

White asked about tax base. Colby explained.

Vogt spoke of clustering and deed restriction and asked him to explain. Colby explained.

The Board continued to discuss.

Duckworth asked if a zoning request would have come through, what would the Town have done. Colby stated it would only be speculation, but it would be denied based on the Town Plan.

Bill Curran, appearing in opposition, stated that they respect St. Vincent de Paul, but their request does not meet the ordinance and continued to speak about the ordinance and the definitions or lack there-of.

Michael Slavney, Vandewalle & Associates, appearing in opposition, presented Exhibit IV1-8 (already submitted), spoke of the use and the need for a facility of this type, but on property more suited for it. He also spoke of the plan being inconsistent with the Towns Comprehensive Plan and approved uses. He also stated that it fails to meet the required findings and criteria for special exceptions in the exclusive ag districts. He then stated that he feels the worst things to do with the children is to isolate them, the resources that is needed and to make them be so far out away from all kinds of social services, healthcare, shopping needs, etc. He spoke of the prime farmland in the area and feels it is a dangerous interpretation to approve the request because the land owner is of a charitable nature, but the use is multi-family. And he also stressed the local units of governments to provide local services and these families need urban level of public services.

Duckworth asked about the research locating properties for similar uses. Slavney explained his experience with other municipalities and his professional opinions on the best location for facilities of this nature.

Duckworth asked about ones that are actually sited within city limits. Slavney stated all are located in city limits, but knows of no transitional housing in rural areas. He stated he doesn't know every community statewide, but the ones he knows is in an urban setting.

Duckworth asked about security. Slavney stated that security is very important and having protective services nearby outweighs being isolated.

Brian Kindschi, appearing in opposition, stated that everything that needs to be said has been said, but is speaking on behalf of the Kindschi family being a neighboring property owner, but fully supports the old Town Board and new Town Board and feels that if they need to take their comprehensive plan seriously.

David Lohr, appearing in opposition, speaking as part of the Town Board, and has never seen anything as unanimous with people in opposition to this in his community that he has seen with this. He feels this is an opportunity for the community to use the Plan they adopted and spent so much time on.

Vogt asked about Grubers Grove, Maple Park, or Bluffview, as an area adjacent to this proposed use, would that be more viable for a location. Lohr stated general speaking they have tried to restrict the growth of those communities and he can't answer it today, it would have to be a discussion.

Rick Richards, appearing in opposition of the request, stated that he lives directly across the street and is familiar with the property and neighboring properties. He stated that to allow a use that does not comply with their comprehensive plan would be disappointing. He spoke of the fact it is a great program and it is needed in Sauk County, but it needs to be put in the proper location.

Seeing as no one else wished to speak, Chair Duckworth closed the public portion of the hearing at 11:35 am.

Roloff asked about local ordinances being more restrictive than county ordinances.

Duckworth stated he is going to look under the ordinance they applied under and feels the applicant did not prove to him that the location is necessary and ignored the fact that the structure they want to build is consistent with agricultural uses, which they have not done in their testimony.

White also stated that she has never seen something that is more incompatible with its neighboring properties than this is and feels that this type of use would be better suited near an urban area where services are more accessible.



Duckworth also stated that if a private individual wanted to do this, they would have to have it rezoned and go to the Town Board and County Board before coming here and discussed the fact that because they are charitable they don't have to have it rezoned and can skip that process and come right to the Board of Adjustment.

Motion by White, seconded by Duckworth, to deny the request based on the applicant not meeting County Code or State Statute, by proving that this location is necessary for the use they are requesting. **Motion carried 5-0.**

F. Terry Hanson (SP-16-09) requesting a special exception permit to authorize limited short term mineral extraction site to supply material for Highway 78.

This request was withdrawn.

G. Relyco Inc. (SP-17-09) requesting a special exception permit to authorize a mineral extraction site (in excess of 5 acres) to supply fill material for Highway 78 reconstruction project.

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 spoke of condition #14. Lorenz stated that the use will be put back into agricultural, so the condition will be that they plant it in grass and modify to agricultural.

Duckworth asked if there will be the chance they will be back to ask for something else because it was rezoned to Ag. Lorenz spoke of the agreement between the owners and the Town so that the property is rezoned back to Exclusive Ag.

Tom Teske, applicant, appearing in favor of the request, spoke of DOT and DNR approvals already received based on the approval of the Board. He also spoke of inspections that are constantly being done by state officials and the rules that apply to all state highway projects. He then spoke of the erosion control plans, reclamation plans, and water retention plans, as well as adjacent property owners and the change in drainage that concerned land owners, which they have taken steps to make sure that does not happen.

Duckworth asked about the conditions by Planning and Zoning. Teske stated that they are ok with the conditions by Planning and Zoning, except for his question on #14, which was addressed early by the Board.

Duckworth asked about the company. Teske gave a background and history of the company.

Vogt asked if they are the subcontractor or the prime. Teske stated they are the prime.

Duckworth asked about the hauling. Teske referred to Exhibit II, and explained the hauling in reference to the map. He also stated they have no plans to haul on any town roads.

Natalie Busson, appearing in favor of the request, stated that she is representing the Town of Sumpter and have reached a series of agreements between the Town and the property owners and based on that, the Town is in favor of that. She spoke of the difficulties of the Town approving a new quarry, but because of the project and its uniqueness, as well as the agreement signed between the owners and the Town, they were able to consider it favorable.

Seeing as no one else wished to speak, Chair Duckworth closed the public portion of the hearing at 12:10 pm.

Motion by Roloff, seconded by White, to approve the request for a special exception permit, with conditions listed by Planning and Zoning, with the modification of #14 to reclaim with grass and revert to agricultural use.  
**Motion carried 5-0.**

Meeting adjourned.

Respectfully submitted,

Robert Roloff,  
Secretary