

SAUK COUNTY BOARD OF ADJUSTMENT
May 28, 2020 Session of the Board

PRESENT: Linda White, Chair
Dan Kettner, Vice Chair
David Allen, Secretary
Brian Peper

ABSENT: Jim Mercier

STAFF PRESENT: Gina Templin
Cassandra Fowler
Will Christensen
Brian Cunningham

Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:02 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 were posted for the scheduled public hearing. The certification of notice was accepted on a motion by Peper, seconded by Allen.
Motion carried, 4-0.

The Board adopted the agenda for the May 28, 2020 session of the Board on a motion by Allen seconded by Kettner. **Motion carried, 4-0.**

The Board adopted the minutes from the February 27, 2020 Board of Adjustment meeting on a motion by White, seconded by Kettner. **Motion carried 4-0.**

COMMUNICATIONS:
None.

APPEALS:

- A. SP-03-2020. Ray Zobel & Sons, Inc. is requesting a Special Exception Permit pursuant to s. 7.038(1)(i) of the Sauk County Zoning Ordinance to authorize the continued operation of a non-metallic mining site, one acre or greater and a Non-Metallic Mining Reclamation Permit pursuant to s. 24.05 of the Sauk County Non-Metallic Mining Reclamation Ordinance. Located in part of the SW ¼ of Section 19, T12N, R4E, Town of Reedsburg, Sauk County, WI, and part of the E ½ of the SW ¼ of Section 24, T12N, R3E in the Town of Ironton, Sauk County, WI. Tax parcels include 030-0707-00000, 030-0708-00000, 030-0709-00000, 022-0570-00000, and 022-0574-00000

Will Christensen, Land Resources and Environment, appeared and provided a background and history of the request, the photos of the site and the approval from the Town of Reedsburg/Ironton. He concluded with the recommended conditions should the special exception permit be approved by the Board.

Kettner asked if staff are satisfied with the reclamation efforts thus far. Christensen stated it is well vegetated pasture land.

Allen asked if it is a state or county rule that it has to be renewed every five years. Christensen stated it is

a county rule. Allen asked what it costs a contractor to go through a renewal. Christensen explained the reasoning for the 5-year renewal.

Peper asked what is the length of time between what the state requires versus the county. Christensen stated he couldn't speak to what the state requires. Peper asked if that is something the county should look into changing. Christensen stated that isn't a decision for the staff to make, but the LRE Committee.

Mark Zobel, Ray Zobel and Sons, applicant (appearing via zoom), appearing in favor, stated Christensen explained the operation of the quarry and they have done their best to be a good steward of the land and be compliant with permitting and financial requirements.

Seeing as no one else wishes to speak, Chair White closed the public portion of this hearing at approximately 9:18 a.m.

White spoke about the fact that this operation has fulfilled their duties and is in compliance.

Kettner stated this seems to be a well-run operation and has no problem approving it.

Allen stated this operation has been a class act and they have no issues with them.

Peper stated there have been no violations or complaints and have been approved by both Town Boards.

Motion by White, seconded by Allen, to approve the application for a special exception permit to continue non-metallic mining operations 1-acre or greater, based upon findings of fact, conclusion of law and subject to staff analysis with recommended conditions by the Land Resources and Environment Department. **Motion carried 4-0.**

- B. SP-04-2020. Slama Farms LLC. is requesting a Special Exception Permit pursuant to s. 7.038(1)(i) of the Sauk County Zoning Ordinance to authorize the continued operation of a non-metallic mining site, one acre or greater and a Non-Metallic Mining Reclamation Permit pursuant to s. 24.05 of the Sauk County Non-Metallic Mining Reclamation Ordinance. Located in part of the S ½ of the NE ¼ and part of the NE ¼ of the NE ¼ of Section 8, T13N, R3E, Town of La Valle, Sauk County, WI and including tax parcel 024-0182-00000.

Will Christensen, Land Resources and Environment, appeared and provided a background and history of the request, the photos of the site and the approval from the Town of LaValle. He concluded with the recommended conditions should the special exception permit be approved by the Board.

Allen asked what the physical location of the pit is. Christensen stated it is located on State Highway 33, just east of Club Chapparel.

Kettner asked about the buildings to the west and who owns them. Christensen stated it is not the owner, but a family farm. Kettner asked if they have any objections. Christensen stated they have not called our office to make any complaints.

James Taylor, Slama Farms LLC, applicant (appearing via zoom), appearing in favor, stated he agrees with the staff report and verified that they have a good relationship with the neighbors and have not had any conflict. He spoke of hoping to keep the permit active, vegetative regrowth due to the lack of activity in the sand pit, and lack of water runoff.

Seeing as no one else wishes to speak, Chair White closed the public portion of this hearing at approximately 9:34 a.m.

Kettner stated he is fine with the operation, ask about reclamation purposes and the requirement of having some overburden on-hand. Christensen stated that it is up to the operator/owner to make that determination, however this particular site has it saved on site.

Allen stated it is a simple, smaller operation with no issues.

Peper stated all standards have been met and it has been approved by the Town Board.

White stated she agrees and explained again the reasoning for the 5 year permit.

Motion by Kettner, seconded by Peper, to approve the application for a special exception permit to continue non-metallic mining operations 1-acre or greater, based upon findings of fact, conclusion of law and subject to staff analysis with recommended conditions by the Land Resources and Environment Department. **Motion carried 4-0.**

- C. SP-05-2020. Bindl Bauer Limestone is requesting a Special Exception Permit pursuant to s. 7.038(1)(i) of the Sauk County Zoning Ordinance to authorize the continued operation of a non-metallic mining site, one acre or greater and a Non-Metallic Mining Reclamation Permit pursuant to s. 24.05 of the Sauk County Non-Metallic Mining Reclamation Ordinance. Located in part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of section 15, T9N, R3E and part of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of section 22, T9N, and R3E, including parcels 004-0232-10000, 004-0235-10000, 004-0236-10000, 004-0348-00000, 004-0344-00000, 004-0343-00000, 004-0352-00000, 004-0345-00000, 004-0361-00000, Town of Bear Creek, Sauk County, WI.

At this time Mr. Peper recused himself from this hearing due to a person business relationship.

Cassandra Fowler, Land Resources and Environment, appeared and provided a background and history of the request, the photos of the site and the approval from the Town of Reedsburg/Ironton. She concluded with the recommended conditions should the special exception permit be approved by the Board.

Kettner asked if she personally inspected the site. Fowler stated the last inspection was in October. Kettner verified that she took the photos. Kettner also asked if staff was not concerned with lp tanks, or other general trash that was deposited on the site. Fowler stated that it is common that many use sites as a contractor storage yard. Kettner asked if that is to be a landfill or if it has to be removed. Fowler stated it cannot be a landfill and other items that cannot be used as fill will need to be removed. Kettner asked, as the operator digs further into the highway, does it then simply look like it is part of the top of a hill cut off or is that prevented. Fowler explained that through the reclamation plan and the maintenance of the berms around the edge.

Ted Greenheck, agent for the applicant, appearing in favor of the request, spoke of updating the plan and improving it, increasing the financial assurance, but also presented the entire future plan, that will not happen in his lifetime, but wanted to present it. He also spoke about the topsoil kept onsite.

Kettner asked about the view of the highwall and removing it to the point where he can see it from his house. Greenheck stated that they are complying with what is there and maintaining that perimeter and keep the vegetation on the quarry edge so that it can screen it during the vegetation state. He also stated that he is higher than the quarry in many regards, but try to maintain the screening the best they can.

Seeing as no one else wishes to speak, Chair White closed the public portion of this hearing at approximately 9:51 a.m.

White spoke of the number of parcel numbers, no negative history.

Kettner stated he is fine with the operation at this point, but he doesn't want the community to be scarred too much.

Allen stated he has no issues with the application.

Motion by Allen, seconded by White, to approve the application for a special exception permit to continue non-metallic mining operations 1-acre or greater, based upon findings of fact, conclusion of law and subject to staff analysis with recommended conditions by the Land Resources and Environment Department. **Motion carried 4-0.**

D. SP-06-2020 Granting of a special exception permit pursuant to s. 7.036(5)(a) to authorize the operation of a lodging house. This property is located in a single family zoning district, on real estate described as: E11619 Park Rd, part of the SE ¼, NE ¼, section 14, T11N, R6E, Town of Baraboo, tax parcel 002-1224-00000.

Brian Cunningham, Land Resources and Environment, appeared and provided a background and history of the request, the photos of the site and the approval from the Town of Baraboo. He concluded with the recommended conditions should the special exception permit be approved by the Board.

Kettner asked how close this property is to the entrance to Devils Lake. Cunningham stated about a mile. Kettner also asked how close this property is to Tranquility subdivision. Cunningham stated he thought about a mile as well.

Peper asked what a lodging house is. Cunningham explained. Peper asked if we have had any issues in the past. Cunningham stated in certain areas we have. Peper asked if the well and septic is up to standards. Cunningham stated it is hooked up to the city sewer.

Chris Kratochwill, applicant, appearing in favor, stated that they owned the property next door as well, and spoke about the rules for the house and higher standards for the property and focus on families. He stated he is onsite at least twice a week to do improvements when it is not occupied and have approvals from the sanitary district and pre-approval from the Town with the official meeting tonight.

Kettner spoke of requiring contact numbers to the neighbors. Kratochwill stated they work with the neighbors and have good relations with them, as well as a personal representative that is local, if they can't address something within 30 minutes.

Peper asked if this went in front of the Town. Kratochwill stated they have been to the Town and go to the Planning Commission tonight.

Steve Cohoon, Town Planning Commission, stated that the Town of Baraboo is only issuing a permit and they acknowledge that this is being done under the county ordinance.

Seeing as no one else wishes to speak, Chair White closed the public portion of this hearing at approximately 10:08 a.m.

White spoke about the history of the lodging house. She also spoke of the need for an operating plan and that it should be provided to the office, as well as notifying the neighbors within 500 feet with contact information.

Kettner stated they have already proven themselves without any issues.

Allen stated that these haven't been a problem.

Peper stated he agrees and then explained the comment about going to the Town board.

Motion by White, seconded by Kettner, to approve the application for a lodging house, based upon findings of fact, conclusion of law and subject to staff analysis with recommended conditions by the Land Resources and Environment Department and adding J. operate according to the Devils Lake Cottage agreement and not allowed to make it less restrictive, and item K. – notify the neighbors within 500 feet with a contact number and the LRE office and Township. **Motion carried 4-0.**

At this time, Chair White closed the public hearing portion of the meeting at 10:16 a.m.

6. Discussion and possible action on Kraemer Co. (SP-04-16), requesting a temporary amendment to a Special Exception Permit pursuant to s. 7.060 of the Sauk County Zoning Ordinance, to authorize temporary use for a Department of Transportation project of a non-metallic mining site, one acre or greater. The non-metallic mining operation is located in an Agricultural Zoning district, described as Part of the S½ of the SW¼ of Section 25, T9N, R4E, and including tax parcels 036-0329-00000 and 036-0330-00000, in the Town of Troy, Sauk County, WI.

Fowler appeared and explained the request by the operator to amend their original special exception permit to authorize the temporary use for a DOT project site.

White verified that this is if they win the state bid. Fowler stated that is correct and explained.

White asked about the 35 days. Fowler stated it could be less than 35 days if weather permits.

Peper asked about the timing. Fowler explained.

Kettner asked about the delay and the need to extend beyond the 35 days, if they have to come back for approval. Fowler explained the department can grant the approval because it is a state DOT project.

Motion by Allen, seconded by Kettner to approve the temporary amendment to the special exception permit SP-12-2017 based upon findings of fact, conclusion of law and subject to staff analysis. **Motion carried, 4-0.**

Motion by Allen, seconded by Peper, to adjourn at 10:20 a.m. **Motion carried, 4-0.**

Respectfully submitted,

David Allen, Secretary