

SAUK COUNTY BOARD OF ADJUSTMENT  
Thursday, March 25, 2021

PRESENT:           Brian Peper, Vice-Chair  
                  David Allen  
                  Jamie Phephles  
                  James Mercier  
                  Ed Larson

ABSENT:           Linda White, Chair

OTHERS PRESENT: G. Templin, L. Digmann. See registration slips for others present.

At 9:00 a.m., Vice Chair Peper called to order the session of the Sauk County Board of Adjustment and introduced the members of the Board, explained the procedures and the order of business for the day. Staff certified that the legally required notices were posted for the scheduled public hearings.

Motion by Allen, seconded by Mercer to adopt the agenda. Motion carried, 5-0.

Motion by Mercer, seconded by Allen to adopt the minutes from the February 25, 2021 meeting. Motion passed, 5-0.

Communications: None.

APPEALS:

- A.     Petition SP 03-2021. A petition by Gary Schyvinch requesting a Special Exception 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. This hearing will be a combine hearing on the special exception and reclamation plan. The property is located in part of the W½ of the SE¼ of Section 29, Township 13 North, Range 5 East, including tax parcels 006-0652-00000, and 006-0654-00000, Town of Dellona, Sauk County, WI.

Templin appeared and provided the staff report and analysis of the request, town recommendation, exhibits and recommended conditions should the board approve the request. Allen asked about confirmation of the Town meeting. Templin explained.

Gary Schyvinch, applicant, appearing in favor of the request, explained the operation and the product they use.

Lynn Eberl, representing the Town of Dellona, appearing in favor of the request, reviewed the Town meeting and the details of how important this pit is to the town. He confirmed they recommended approval with no additional conditions.

Seeing as no one else wished to speak, Vice Chair Peper closed this portion of the public hearing at 9:20 a.m. and the board went into deliberation.

Allen stated that the operation is a good operation with no complaints and the town supports the SEP.

Phephles stated he agrees with the assessment that Allen made.

Mercier stated he agrees with assessment that Allen made.

Larsen stated he agrees with previous comments.

Peper stated the applicant has been in operation for 20 years with no issues and when the Town approves, that weighs heavily on his opinion.

Motion by Allen, seconded by Phephles to approve a Special Exception 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 with the recommended conditions. Motion carried 5-0.

- B. Petition SP-04-2021. A petition by Milestone/Mathy, agent and Gary & Dianne Moseman, owners, requesting a Special Exception 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. This hearing will be a combined hearing on the special exception permit and reclamation plan. The property is located in part of the W<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>, part of the SW<sup>1</sup>/<sub>4</sub> and part of the SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, of Section 25, Township 09 North, Range 04 East, including parcels 036-0329-00000 and 036-0330-00000, Town of Troy, Sauk County, WI.

Templin appeared and provided the staff report and analysis of the request, town recommendation, exhibits, and recommended conditions should the board approve the request.

Peper asked about the condition from the town regarding back up lights versus beepers and if that met regulations. Templin referred the question to the applicant.

Bob Jewell, Milestone Mathy, applicant, appearing in favor of the request, spoke of the request from the Town of Troy regarding lights versus back up alarms and verified that they are willing to work with the neighbor that requested that and are allowed by MSHA.

Peper asked about the main material coming from the pit. Jewell explained that it is considered dolomite, ag lime, breaker run, etc.

Peper asked if it is a deep enough quarry that it requires a berm. Jewell stated it does and explained the topography of the pit.

Seeing as no one wished to appear, Vice Chair Peper closed this portion of the public hearing at 9:45 a.m. and the board went into deliberation.

Phephles stated that based on their years of operation, they are good stewards of the land and feel they will continue to operate in a positive manner.

Larson stated he is on the Town Board and confirms their approval.

Peper stated he has been past that quarry several times and never noticed it was there.

Motion by Mercier, seconded by Larson, to approve to approve a Special Exception 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 with the recommended conditions. Motion carried 5-0.

- C. Petition SP-05-2021. A petition by Scott Construction Company, agent, Gilbert and Jean Burmester, owners, to request 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. This hearing will be a combined hearing on the special exception permit and reclamation plan. The property is located in part of the N ½ of the NE¼, part of the SE¼ and part of the N ½ of the NW¼ of the SE ¼ , of Section 1, Township 10 North, Range 03 East, including parcels 014-0485-00000, 014-0487-00000 and 014-0660-00000, Town of Franklin, Sauk County, WI.

Templin appeared and provided the staff report and analysis of the request, town recommendation, exhibits, and recommended conditions should the board approve the request.

Phephles asked about the condition requiring the applicant to provide the department with a copy of the letter sent to adjacent land owners and if it would be applicable to also have them provide copies of any complaints. Templin explained that it is the Board's right to do that and they can include that as a condition of approval if they wish. Phephles asked who is should come from/who should be responsible for providing that to the department, the Town or the applicant. Templin stated that should be the responsibility of the applicant.

Steve Hyzer, Scott Construction Co, applicant, appearing in favor of the request, spoke of the purchase of the Jackson quarry and the purpose for that. He stated they intend to operate it differently, in that they intend to supply the asphalt plant at the base of the property, and will not have as much sales out of the quarry, truck traffic will be cut in half, and blasting will be cut in half. He stated the quarry is for their use for their road projects.

Peper asked if the blasting will take place within the yellow highlighted area. Hyzer confirmed that the blasting will take place within the yellow highlighted area, under the SEP.

Phephles asked if they received complaints, if they will be willing to send those copies to the department. Hyzer stated they would. Phephles stated that based on the testimony provided and the willingness of the applicant to provide that documentation to the department, he does not feel it is necessary to make it a condition of approval.

Peper asked about the volume. Hyzer stated that the volume will about 50,000 tons that will go to the asphalt plant, with a few by products that will be sales to outside vendors.

Peper asked if they will continue to sell ag lime. Hyzer stated ag lime has been moved to below the hill and it is unknown if they will continue at this time.

Seeing as no one else wished to speak, Vice Chair Peper closed the public portion of the hearing 10:10 a.m.

Phephles stated they seem to be working well and have a good plan in place.

Motion by Phephles, seconded by Allen to approve to approve a Special Exception 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 with the recommended conditions. Motion carried 5-0.

Next meeting date: Thursday, April 29, 2021.

Adjournment:

Motion by Mercier/Phephles to adjourn. Motion passed, 5-0. Meeting adjourned at 10:15 a.m.

Respectfully submitted,

David Allen, Secretary