SAUK COUNTY BOARD OF ADJUSTMENT  
Thursday, April 29, 2021

PRESENT: Linda White, Chair

Brian Peper

David Allen

Jamie Phephles

James Mercier

ABSENT: None.

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

At 9:00 a.m., Chair White 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 Mercier to adopt the agenda. Motion carried, 5-0.

Motion by Allen, seconded by Mercier to adopt the minutes from the March 25, 2021 meeting. Motion passed, 4-0, with White abstaining.

Communications: None.

APPEALS:

Petition 06-2021. A petition by Michael Phillips, to request variances to s. 8.011(2) shoreland setbacks

requesting a 53.9 ft. variance to the OHWM of Lake Wisconsin, s. 8.016(6)(b)(c) relocation of a

nonconforming principal structure within 35 ft. of the OHWM of Lake Wisconsin and closer to the

OHWM than the original nonconforming principal structure and s. 8.012 for removal of vegetation within

the vegetative buffer zone of the Sauk County Shoreland Protection Ordinance. Property is located on

land described as part of the SE ¼ of the NW ¼ of Section 8, Township 10 North, Range 7 East,

including tax parcel 026-0833-00000, also described as Lot 1 CSM # 6756, Town of Merrimac, Sauk

County, WI.

Simmert appeared and provided the staff report and analysis of the request.

Tomas A. Toro Engineer/Consultant from Grossman Associates, appeared in favor of the request for the Applicant.

Peper was wondering how many structures exist on the property at the moment and verified the OHWM had been marked. Toro explained

White ask if the rebuild would take place on the same location and also wondered how far the white

house on the neighboring lot was from the water. Toro informed her that the new build would be on

the same location but set back off the road about 10 feet to provide more parking and provide a safe

area for cars to pass by on road. As far as the neighboring white house it is 27.3 feet from the water.

White also ask if the house would be 1 or 2 story house. Toro explained that it is planned to be 1 story

in the front of the house and 2 story in the rear of the house. White verified that the proposed home will meet all other setbacks. Toro confirmed it will.

Rich Eberle the Designer and Contractor for the Phillips property appeared in favor of the request, provided and discussed floor plan. He stated it was a very difficult to design with the size of lot. The main floor would be 2700 sq ft. with 2 bedrooms, a great room and kitchen. The lower level would house more bedrooms. There will be a 3 car garage.

White asked how to access the lower level of the house and asked if the house could have been designed to meet all the setbacks. Eberle responded that there will be stairs and that the home could have been designed at 1,000 sq ftt, but would still have been challenging. He did verify that the structure could be moved back from the lake setback more if needed.

White asked about the minimum relief required by ordinance. Eberle spoke of the request for designing a home with the number of bedrooms, bathrooms and 3 car garage by the owner.

Mike Phillips, applicant, appearing in favor the request, spoke he would like to build the house for the future.

Peper asked about the taxes on the current home and possible new home and what the purchase price was versus what the cost of the new build will be. Phillips stated it will be replacing an existing 1250 sq. ft. house which he purchased for $399,000. The new house will be between $750,000-$1,000,000. The water storage will located on both sides of the house and intends on letting the water be filtered into the ground.

Seeing as no one else wishes to appear, Chair White closed the public portion of the meeting at 9:52 a.m. and the board went into deliberation.

White reviewed unique property limitations and felt this meets that criteria. She felt because there is a house closer, it is an unnecessary hardship. She doesn’t feel it is contrary to public interest as she feels it fits with the other structures. For minimum relief she doesn’t feel the size of the house is unreasonable. She feels it meets the spirit of the ordinance because it is further from the OHWM than the existing structure.

Allen stated it has limitation from the existing lot size and shape. He does not feel that it is an unnecessary hardship and does not feel there is any harm to the public. He feels there is an unnecessary burden, but meets the spirit of the ordinance. He feels the limitation of the lot is a hardship.

Mercier stated he feels they are trying to improve the location of the home by moving further from the OHWM. He feels there are unique property limitations due to the size of the lot and the hardship is the size of the lot and does not feel it is contrary to public interest. He feels it meets the spirit of the ordinance.

Peper verified if the application has been gone through the Town Board. Simmert explained. Peper stated he doesn’t see a hardship, but feels it would be if they had to make it handicap accessible. He feels the property is unique and feels the design of the house is unique, and does not feel the application is contrary to public interest and feels the footprint is minimum relief and will be large improvement for the area.

Phephles feels there are unique property limitations and the hardship would be the size of the lot and being able to do anything to make the property usable. He feels the application benefits public interest and feels it meets the spirit and intent of the ordinance.

Motioned by White, seconded by Peper to approve the variances as requested. Motion carried 5-0.

Petition 07-2021. A petition by Meise Construction/Casey Schroeder, to request a special exception permit pursuant to s. 7.038(6) of the Sauk County Zoning Ordinance to authorize the location and operation of a non-metallic mining site, between one acre and 15 acres, not to exceed 24 months, and a Non-Metallic Mining Reclamation Permit pursuant to s. 24.05 of the Sauk County Non-Metallic Mining Reclamation Ordinance. Property is located on land described as part of the N 1/2 , SW ¼, Section 18 Township 9 North, Range 6 East, CSM 6647 LOT 1, tax parcel 028-0442-10000, Town of Prairie du Sac, Sauk County WI.

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

Peper ask what they would be mining for. Templin referred the question to the applicant.

Dan Meise Contractor for Meise Construction Company, applicant, appearing in favor, stated that they would be mining the clay and hauling off site to a project in Sauk City, and the reclaim and seed when finished. Peper asked if there would be a pond and if there was bore testing done. Meise said there would not be a pond and the boring test was done. Peper was wondering if the there was an approval done at the April 13th meeting and Templin responded that it was approved.

Seeing as no one else wished to speak, Chair White closed the public portion of the hearing at 10:15 a.m. and the Board went into deliberation. Motioned by Allen, seconded by Mercier to approve the Non Metallic Mining Reclamation Permit and Reclamation Plan as submitted, with the recommended conditions by the LRE Department. Motion carried 5-0.

Petition 08-2021. A petition by Peter Maestri, to request a special exception permit pursuant to

s. 7.032(3)(g) to authorize the construction of a pond within the required setbacks. Property is located on

in an Exclusive Agricultural zoning district, on real estate described as: part of the N ½ of the SW ¼, Section

24, Township 9 North, Range 4 East, CSM #5932 LOT 1, Town of Troy, tax parcel 036-0307-00000.

Templin-Steward appeared and provided the staff report and analysis of the request, town recommendation, exhibits, and recommended conditions should the board approve the request, as well confirming the town of Troy approved without any recommendations.

Peter Maestri, applicant, appearing in favor gave a background of the pond.

White had asked if they were within the setback, if there was any water in the pond now and where the

water resource will be coming from. Maestri said they were within the setback and the pond at

the moment does have water in it. Maestri also stated that the water resource will be from run off and

a few springs that are in the area and that he contacted the DNR and there is nothing that has to be done.

Peper ask if the town has any issues and Maestri said he has contacted the town and there are no issues.

Seeing as no one else wished to speak, Chair White closed the public portion of the hearing and the Board went into deliberation. Motioned by Phephles, seconded by Allen to approve the

special exceptions permit for construction of a pond with the recommended conditions by the LRE Department. Motion carried 5-0.

Next meeting date – Thursday, June 24, 2021

Adjournment:

Motion by Allen/Peper to adjourn. Motion passed, 5-0. Meeting adjourned at 10:27 a.m.

Respectfully submitted,

David Allen, Secretary