

SAUK COUNTY BOARD OF ADJUSTMENT

Thursday, August 26, 2021

PRESENT: Linda White, Chair  
Brian Peper  
David Allen  
Jamie Phephles  
Robin Meier

ABSENT: None.

OTHERS PRESENT: L Wilson, B. Simmert, G. Templin, L. Digmann, M. Lohse, B. Desmond

At 9:05 a.m., Chair White called to order the session of the Sauk County Board of Adjustment. Staff certified that the legally required notices were posted for the scheduled public hearings. Motion by Allen, second by Meier to accept the certification for the public hearings. Motion passed 5-0.

Motion by Meier, second by Allen to adopt the agenda. Motion carried, 5-0.

Motion by White, second by Peper to adopt the minutes from the June 29, 2021 meeting. Motion passed, 5-0.

Communications: None.

Appeals:

Chair White introduced the members of the Board and explained the procedures for the day.

Petition 12-2021. A petition to consider a variance request pursuant to s. 7.098(2) of the Sauk County Zoning Ordinance, for approval of locating a structure approximately 9.44' into the road right of way setback of County Road WC. The request is associated with land described as part of the SW ¼ of the NW ¼ of Section 39, Township 09 North, Range 04 East, including tax parcel 032-1482-00000, Town of Spring Green, Sauk County, WI.

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

Shannon Porter, applicant appearing in favor gave a background of her business. Meier ask Porter if the kiln would be replaced. Porter explained that the kiln may be reconstructed.

Ashley Pfannensteil, Artist for Wilson Creek Pottery appearing in favor, discussed the importance of the project.

Chair White ask if there was anyone who wished to speak. White closed the public portion of the hearing and the Board went into deliberation at 9:18 a.m.

Motion by White, second by Phephles to approve the variance to locate a structure approximately 9.44' within the road right-of-way setback of County Road WC based upon the Findings of Fact and Conclusion, subject to LRE staff conditions. Motion carried 5-0.

Petition 09-2021. To hear and decide an appeal pursuant to s.7.149(2)(a) of the Sauk County Zoning Ordinance where it is alleged that there is an error in any interpretation, order, requirement, decision, or determination made by the zoning administrator or any administrative official in the enforcement, administration, or interpretation of this chapter or of Wis. Stat. § 59.69. This appeal pertains to the interpretation of Sauk County Code s.7.014: Exclusive Agriculture Zoning District, s.7.026: Use Table Key, and s.7.052: Home Based Business, Secondary Standards, as these sections pertain to accessory uses and home occupations within the Exclusive Ag Zoning District. The appeal is associated with land described as part of the SW ¼ of the NW ¼ of Section 05, Township 09 North, Range 06 East, including tax parcel 028-0116-00000, Town of Prairie du Sac, Sauk County, WI.

The LRE Department is being represented by Sauk County Corporation Counsel, Brian Desmond. Brian Desmond, representing the LRE Department provided a memorandum and attachments to the Boards of Adjustments. Desmond presented the report and analysis of the request. Board members questioned Desmond regarding his report.

Jared Walker Smith, Boardman and Clark LLP, representing the applicant presented Urban's case. Smith provided additional exhibits to the Board of Adjustment for his argument. Board members questioned Smith regarding the information provided.

George Urban, applicant, presented his testimony.

Desmond provided rebuttal to Smith's and Urban's presentation and requested that Gina Templin, LRE staff, who worked with Urban be allowed to provide testimony. Board members agreed.

Templin discussed the violation, town involvement, and ordinance requirements.

Rick Manthe, Stafford and Rosenbaum, representing the Board of Adjustments connected via phone conference. White requested guidance as what questions the Board was to be making findings for. Manthe explained.

Tom Brennan, Monona State Bank, appeared to support of Urban.

Mike Stafford, Cory Oil, appeared to support of Urban.

White asked if there was anyone wish to speak. Chair White closed the public portion of the hearing and the Board went into deliberation at 12:51 p.m.

Motion by White, second by Allen that the building is not being used as permitted through the original land use permit, but the use in question is classified as an agriculture related business which would permit the property owner to make application for a conditional use permit through LRE Committee; and with the recommendation that should the conditional use permit be approved, a condition be placed upon the approval that the permit is non-transferrable. Motion carried 4-1 with Meier voting no.

Next meeting date – Thursday, September 30, 2021

Motion by Peper to adjourn, second by Allen. Motion passed, 5-0. Meeting adjourned at 1:17p.m.

Respectfully submitted,

David Allen, Secretary