

SAUK COUNTY BOARD OF ADJUSTMENT
Thursday, February 24, 2022

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

ABSENT: None

OTHERS PRESENT: L. Wilson, B. Simmert, L. Digmann, W. Christensen, T. Hillmann. For others in attendance for the public hearing, see registration slips.

At 9:01 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 order of business for the day. Staff certified that the legally required notices were posted for the scheduled public hearings. Motion by Allen, second by Phephles to accept the certification for the public hearings. Motion passed 5-0.

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

Motion by Meier second by Peper to adopt the minutes from the January 27, 2022 meeting. Motion carried, 4-0. White abstains

Communications: None.

APPEALS:

A. Petition 02-2022. 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 on real estate described as: S5702 Devils Lake Parkway, located in part of Section 14, T11N, R6E, and in part of Section 11, T11N, R6E, Town of Baraboo, as further described in Petition 02-2022. Tax parcel 002-1307-12700, owned by Zdenek Svancara.

Hillmann appeared and provided the staff report and analysis of the request and confirmed approval by the Town.

Zdenek Svancara, applicant appearing in favor. Peper asked how many days a year he plans on renting. Svancara stated that is unknown at this time. White asked if the Township has any rules for acquiring this permit. White asked Hillmann to come forward. White asked if the State has any laws on how many days the property could be rented and what times of the year. Hillmann explained.

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

Motion by Allen, second by Peper to approve a special exception permit based upon the findings of fact, conclusion of law and subject to staff analysis with recommended conditions by the Land Resources and

Environment Department, in addition to requiring the applicant to forward a letter to the LRE Department and neighbors noting County contact information, Township contact information, and the contact information for the person located within 15 minutes of the property, who will be responsible for responding to problems/concerns.

B. Petition 03-2022. 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 on real estate described as: E4689 Winnebago Ct, Lot 1 Lake Redstone Owl Addition, located in part of the NE ¼, NW ¼, Section 13, T13N, R3E, Town of La Valle, as further described in Petition 03-2022. Tax parcel 024-2224-00000, owned by Emily Hendricks.

Christensen appeared and provided the staff report and analysis of the request. He advised that the Town has requested the Board of Adjustment postpones the Special Exception permit decision for a lodging house for up to 90 days, so the town has time to check out the legalities and a few other issues that need to be addressed.

Christensen noted that a packet full of email and written statements had been received by staff leading up to the public hearing. Christensen noted that copies were provided to each of the BOA members.

Emily Hendericks, applicant appearing in favor of the request. White asked if she had any paying tenants. Hendericks said yes. White asked why she continued to advertise after she was asked to take it down. Hendericks stated it was an error on her part.

Meier questioned the parking and for verification on the parking. Hendericks stated her number has changed after measuring and is offering the rental for 8 people and does not feel there will be 8 cars there at one time. Hendericks stated she would like to allow only 4 cars.

Peper asked about the short-term lease agreement that was adopted by the town on May 13, 2019 and what happened in the last 2 ½ years that the applicant is still going through the process. Hendericks stated it has not always been her intention and was not looking for it to be a commercial rental. Phephles asked if the deeded access is right across the street and if guests have that access. Hendericks stated it was across the street and would hope that the renters would have access.

Meier asked about the property boundaries and how guests will know where these boundaries are. Hendericks stated she would mark them if needed. White stated maybe no trespassing signs may work.

Tom Beisty, registering in opposition, stated this is a unique place and they are trying to preserve the lake. Biesty stated additional concerns with lack of marinas, restaurants, and no garbage pickup.

Don McCune, registering in opposition, stated it is not up to the neighbors to police the property.

Janice Berry, registering in opposition, stated that no one wants short term rentals on the lake. She spoke of concern for the liability, insurance, and the exclusions.

Doug Charles, registering in opposition, noted that there are a couple boat launches and mostly fishermen that use the access. He also stated concerns with changes to the character of the lake and that most non property owners do not have respect towards other people's property.

Cory Schulte, registering in opposition, stated that Hendricks has a track record, as she does not follow rules or ordinances of LaValle. Schulte stated he would like to see this postponed for the town to have time to investigate.

Jason Simpson, registering in opposition, stated that he is the closest neighbor to Hendericks and stated that he does not want to police the property.

Deb Yukes, registering in opposition, stated she lives across the street from Hendricks. Yukes mentioned concerns about strangers coming and going. White asked if Yukes knew how many residents live around the lake or around the property. Yukes stated that on her court there is about 10 residents. White stated the BOA received about 90 letters from property owners. Christensen came forward, and stated he believed some of those letters are outside the radius.

Jeff Rastocan, registering in opposition, stated that he is the restaurant owner located outside of the lake. Rastocan feels it is a public safety issue; as there is not regular garbage pickup, regular water or sewer, internet service, or phone service. Rastocan also mentioned that LaValle does not have full-time police force, so problems go to the county and can take a while to respond.

White asked the applicant to come forward and how many people live in her residence now. Hendericks stated there are 8 people. White asked if she plans on moving everyone out and their belongings every time, they rent out the home. Hendericks stated that was her plan.

Doug Charles, registered in opposition. Charles stated he agrees that it will be a safety issue with traffic coming and going and kids in the road. White asked Charles how many times a week he leaves his residence. Charles stated he leaves around 6 times a week. White asked if he thinks the renters will go in and out that often. Charles feels it would be more times for a renter.

Cory Schulte, reappearing in opposition, asked if town ordinance would require Hendericks to have a state permit first. Schulte expressed concern with safety also.

Chuck Ecklund, registering in opposition, stated he has experienced illegal rental property in his neighborhood. Ecklund reviewed issues with the rental such as sewer back up into the neighbor's yard, and garbage, and disposed which he picked up and disposed of it himself. Ecklund stated that building maintenance goes south because the owners don't take care of rental properties.

Richard Fish, registering in opposition, stated he has lived on the lake for 25 years. He spoke of the number of parcels on the lake, and concerns with the floor plan and parking on the property. Fish asked if renters have the right to use beach easements. There are 20 parcels on Winnebago Court, 14 are second homes. Fish asked if Hendericks must have a tourist lodging permit. Fish asked if Hendericks has commercial zoning. Fish stated that this will be a burden to the lake. Peper asked if there were vacant buildings or lots on the lake or any houses for sale on the lake. Allen stated that if the applicant complies with everything how are we to deny this and if the applicant does not stay compliant her permit can be pulled.

James Heyn, attorney from Pemberton & Endlund Law Offices LLC, representing the applicant Emily Hendericks appeared in favor. Heyn stated that the task of the Board of Adjustment is to follow the law, and the law states that if the applicant meets or agrees to meet all the requirements and conditions specified, the county shall grant the special use permit.

White stated there will be a 5-minute recess. The Board reconvened and the public hearing continued at 10:58 a.m.

White asked the applicant to come forward. White asked Hendericks how many people live at her residence. Hendericks stated there are 8 people. White asked if she plans on moving everyone out and their belongings every time they have occupants. Hendericks stated that was her plan. White asked Hendericks how she feels if other properties on the lake would start short term rentals. Hendericks stated she would not have a problem. White asked if Hendericks would have concerns with her children if other

people were renting out next door. Hendericks stated she would not. Hendericks stated there are sex offenders within a mile of her now and that does not concern her.

Doug Charles, reappearing in opposition to the request, stated he is also concerned with the safety issues and traffic.

Seeing as no one else speak, Chair White closed the public portion of the hearing and the Board went into deliberation at 11:05 a.m.

Motion by White, second by Meier to postpone the decision on the special exception permit of the lodging house until the May 26, 2022 Board of Adjustments meeting. Motion passed 4-1 with Peper in opposition.

Next meeting date – Thursday, March 24, 2022

Motion by Allen, seconded to by Phephles to adjourn at 11:14 a.m. Motion passed, 5-0

Respectfully submitted,

David Allen, Secretary