

SAUK COUNTY BOARD OF ADJUSTMENT

Thursday, March 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, B. Desmond, R. Manthe. For others in attendance for the public hearing, see registration slips.

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

Motion by Peper second by Meier to adopt the minutes from the February 24, 2022 meeting. Motion carried, 5-0

Communications: None.

APPEALS:

A. Petition 4-2022. 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 This appeal pertains to the interpretation of Sauk County Code sections s.7.027(8), s.7.047, and 7.097(1)(a) as it relates to allowable uses in Resource Conservancy zoning and poultry and egg production; s.7.104(2) and s.7.104(3) as it relates to the continuation as well as enlargement, repair, and alterations of non-conforming structures; and s.7.011(58) definition of livestock.

The appeal is associated with land described as part of the NW ¼ of the SE ¼ of Section 07, Township 11 North, Range 07 East, including tax parcel 018-0234-00000, Town of Greenfield, Sauk County, Wi.

The LRE Department represented by Sauk County Corporation Counsel, Brian Desmond provided a Memorandum and attachments to the Board of Adjustments. Desmond presented the report and analysis of the request. White asked for a summary of this appeal. Desmond gave a summary and recommended that the Board of Adjustment deny this appeal on the basis as presented.

Rick Manthe, Stafford and Rosenbaum, representing the Board of Adjustments questioned when the horses were kept on the property, when the chickens arrived. Desmond explained the Burroughs bought the property in 2015, and around May 2016 there were chickens. Peper asked if there is a setback law on how far the building must be from the property line. Desmond explained.

Michael Burroughs, property owner, stated the building was built in 1978. Burroughs stated he purchased the chickens and ended up with two roosters. Burroughs explained why they kept the rooster.

Craig Olsen, appellant, stated he has lived on the property for over 30 years. Olsen stated the problem centered around the rooster noise. Olsen stated that he continues to have an issue with the planning and zoning determination on the chicken coup. Olsen stated there are two issues, the non-conforming structure, and non-conforming use.

Meier asked Olsen if the property was zoned resource conservancy when he moved in. Olsen stated no it was not.

Desmond provided a rebuttal. White asked if the roof is steel or chicken mesh in the picture. Desmond stated it looked to be chicken mesh. Desmond stated the zoning changed to Resource Conservancy in 1998 and prior to that it was agricultural. Desmond stated this is a permitted use in the zoning district and is not a nonconforming use. Meier needed a clarification of 7.0199 on page 3 regarding the need to show the production of income for an agricultural use. Desmond explained. Peper asked about the bird flu outbreak and if the use would need to be inspected by the state. Desmond thought it would be state regulation rather than a local zoning regulation issue.

Manthe asked what the current setback is on the building and if it was complaint at the time it was built. Simmert stated it was around at or greater than 15 feet.

Olsen provided a rebuttal regarding the setback to the property line and to clarify the definition of agricultural use.

Chair White closed the public portion of the appeal and the Board went into deliberation at 9:45 am.

Motion by White, second by Meier to deny the appeal and direct Manthe to draft a decision letter consistent with the Board of Adjustment discussion as well as to permit the Chair to review and approve the decision letter once complete. Motion passed 5-0.

Next meeting date – Thursday, April 28, 2022

Motion by Peper, seconded to by Phephles to adjourn at 9:53 a.m. Motion passed, 5-0

Respectfully submitted,

David Allen, Secretary