

1 SAUK COUNTY BOARD OF ADJUSTMENT  
2 June 29, 2017 Session of the Board

3  
4 PRESENT: Linda White, Chair  
5 Dan Kettner, Vice Chair  
6 David Allen  
7 Henry Netzinger  
8 David Wernecke, Alternate  
9

10 ABSENT:

11  
12 STAFF PRESENT: Dave Lorenz  
13 Gina Templin  
14  
15

16 OTHERS PRESENT: See Registration slips  
17

18 Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at  
19 approximately 9:00 A.M. The Chair introduced the members of the Board, explained the  
20 procedures and the order of business for the day. The staff certified that the legally required  
21 notices had been provided for the scheduled public hearing. The certification of notice was  
22 accepted on a motion by Allen, seconded by Netzinger. **Motion carried, 5-0.**  
23

24 The Board adopted the agenda for the June 29, 2017 session of the Board on a motion by  
25 Wernecke, seconded by Allen. **Motion carried, 5-0.**  
26

27 The Board adopted the minutes from the May 25, 2017 Board of Adjustment meeting on a  
28 motion by Kettner, seconded by Netzinger. **Motion carried 4-0, with White abstaining.**  
29

30 COMMUNICATIONS:

31 None.  
32

33 APPEALS:  
34

35 A. Marty & Lisa Pertzborn, (SP-11-17), a variance to authorize the construction of a  
36 proposed dairy barn within the minimum required road setback. The property is described as;  
37 E4141 Meyer Rd., part of the NE ¼, NE ¼, section 25, Town of Ironton.  
38

39 Dave Lorenz, Conservation, Planning and Zoning, provided a history and background of the  
40 request, reviewed photos and a video of the property, and concluded with conditions to be placed  
41 on the appeal if it is to be granted.  
42

43 White asked about the distance from the road to the existing farm buildings. Lorenz explained.  
44

45 White asked who owns the land across the road from the proposed building. Lorenz believes it is  
46 not owned by the applicant.  
47

48 White asked if there is a cattle lane behind the existing buildings. Lorenz was unsure, but noted  
49 there was a path of some kind that could be seen.

50

51 White verified there is no drawing showing the setback of the existing buildings. Lorenz stated  
52 there is no drawings.

53

54 Kettner asked what would be the reason for the distance from the highway for a structure.  
55 Lorenz explained why the setback is there such as utilities and protection from problems for  
56 traffic, but can't explain where the setback numbers came from. White explained where the  
57 numbers came from.

58

59 Allen asked about the Town of Ironton. Lorenz stated that the office has not heard from the  
60 Town of Ironton.

61

62 White stated the Town did have a meeting.

63

64 Wernecke asked if the buildings would have been in compliance with the setback prior to the  
65 change of the ordinance. Lorenz stated prior to the ordinance change they would have met the  
66 setback.

67

68 Netzinger explained this was a recommendation from DATCP. Lorenz explained this was a  
69 requirement from DATCP.

70

71 Wernecke asked if DATCP has the ability to weigh in on the variance. Lorenz stated they do  
72 have the ability to weigh in on the variance.

73

74 Allen asked how far back the building would have to be to meet setback. Lorenz explained it  
75 would have move about 33 feet back further.

76

77 Wernecke stated there is nothing physically from stopping them from moving back. Lorenz  
78 spoke of the grade dropping off. Wernecke asked about a topo map.

79

80 Marty Pertzborn, applicant, appearing in favor of the request, stated that they would like to all  
81 buildings together for cow flow between the structures.

82

83 White asked how the cows get from buildings. Pertzborn explained he would have to move the  
84 traffic lane.

85

86 Pertzborn, referring to the map provided in the packet, drew where the waterway is. He spoke of  
87 having to the move the waterway if the shed was required to be pushed back.

88

89 Wernecke asked about putting the shed to the east. Pertzborn stated the distance for the cows to  
90 walk in the winter.

91

92 White asked why he was building the barn. Pertzborn explained.

93

94 Pertzborn stated the has spoken to the neighbors and they are ok with him building the proposed  
95 structure. He stated the Town of Ironton has approved the building.

96

97 Kettner, referring to Exhibit V2, asked the distance from each building to the road. Pertzborn  
98 stated between 62 and 50 feet to the road. Kettner spoke of traffic safety.

99

100 White asked how long he has owned the property. Pertzborn stated since 1999. White asked  
101 how many of the buildings he has constructed. Pertzborn stated he has constructed 2 of them.

102

103 Kettner asked when the concrete walkway was built. Pertzborn stated that has always been  
104 there, however, he just reconstructed it.

105

106 White asked about future plans for buildings. Pertzborn stated there is a possibility.

107

108 White spoke of a use variance versus an area variance and determined this is an area variance.

109

110 Netzinger explained that the applicant needs to answer the hardship, unique property limitation,  
111 and public interest.

112

113 White asked if this will harm public interest. Pertzborn stated this will not harm public interest.

114

115 White asked about unique public interest. Pertzborn stated it will be difficult to change the  
116 waterway.

117

118 White asked about the hardship. Pertzborn stated the hardship would be the cow flow and the  
119 comfort of the cows. White asked about putting the building the other direction. Pertzborn  
120 talked about the waterway and the distance from the parlor.

121

122 White asked how many cows he has. Pertzborn stated he is milking 160 but is hoping to expand  
123 to 200.

124

125 Seeing as no one else wished to appear, Chair White closed the public portion of the hearing at  
126 9:35 a.m. and the board went into deliberation.

127

128 White stated she looks at this differently and believes that when zoning is done, it is not always  
129 done practically. She feels that with buildings on both sides that are closer to the road it does not  
130 increase the hazard. She feels it is unique and the zoning is Exclusive Ag and should encourage  
131 the ag use. She feels the regulation is unnecessarily burdensome to follow the ordinance.

132

133 Kettner stated he doesn't have a problem with the new proposed structure, but has a problem  
134 with the concrete structure that jets out in front of the other structures, which is 20 feet from the  
135 road, which creates a serious traffic hazard.

136

137 Allen spoke of the importance of cow flow and has no problem as long as it doesn't encroach the  
138 road more than the existing two buildings.

139

140 Netzinger stated he feels moving the existing waterway is an issue and as far as the structure  
141 being close to the road, he feels it could not go closer than existing structures and no walk ways  
142 or anything going closers. He disagrees talking about the other cement walkway, as it is not part  
143 of this proposal.

144  
145 Wernecke spoke of the 3 requirements of a variance and feels there is no response on why the  
146 setback is 100 feet from what it used to be, other than DATCP. He feels conditions unique to the  
147 property, it doesn't meet, as there is an ability to change. He also stated that the staff person for  
148 the BOA didn't even make note of it, so how much of an issue is it. He questioned the  
149 unnecessary hardship, however, he can understand why the owner would want the building  
150 where it is proposed. He is having a problem with getting any justification for any of the  
151 reasoning.

152  
153 White spoke of the standard for proving a hardship.

154  
155 Motion by White, seconded by Allen, to approve the area variance at a limit of 63.5 feet, this  
156 being the only building to receive the variance and that there will be no other structure built  
157 within the setback associated with the building. **Motion carried, 5-0.**

158  
159 B. Elsing Farms, LLC., (SP-12-17), a special exception permit to authorize the location and  
160 operation of a mineral extraction site. The property is described as; E10481 State Road 60, part  
161 of the E ½, SE ¼, section 8, Town of Prairie du Sac

162  
163 Dave Lorenz, Conservation, Planning and Zoning, provided a history and background of the  
164 request, verified the Town of Prairie du Sac has recommended approval of the request, reviewed  
165 photos and a video of the project and property and concluded with conditions to be placed on the  
166 appeal if it is to be granted.

167  
168 Kettner asked if there has been any reclamation done in the mine area. Lorenz stated there has  
169 been no reclamation done and the applicant would like to continue to mine what was started as  
170 part of the DOT project.

171  
172 Kettner asked if there were any stockpiles. Lorenz stated he didn't notice any.

173  
174 White asked if this has been continually used. Lorenz stated they have been using it in their own  
175 facilities.

176  
177 Wernecke asked if the property has been rezoned. Lorenz stated it has.

178  
179 Wernecke asked about the operations plan. Lorenz spoke about the plans received in Exhibit II,  
180 3.

181  
182 Wernecke stated by ordinance, they are required to talk about the projected mining of the  
183 property. Lorenz explained that the only thing the office has received is the plans that have been  
184 provided.

185  
186 Wernecke asked if they meet county requirements. Lorenz stated he believes they do.

187  
188 Wernecke asked about shoreland and floodplain ordinance and if they meet those. Lorenz stated  
189 they do.

190  
191 Wernecke asked about the Town of Prairie du Sac. Lorenz referred to the Chair.

192  
193 Wernecke asked if any bonds are on the property. Lorenz stated they will be required to obtain  
194 them.  
195  
196 Wernecke asked about Exhibit VI,3, a map showing .2 PCT. Lorenz explained that is what is  
197 located in 500-year floodzone. Wernecke verified this located on the edge of the floodzone.  
198  
199 Tim Goeghegan, Yahara Materials, agent for the applicant, stated that this site will be used for  
200 bedding sand primarily and spoke of the reclamation plan. He also spoke of the staging of the  
201 operation, and that it has been staked to avoid the floodplain area.  
202  
203 White asked how many yards are available at this site. Goeghegan stated about 75,000 yards.  
204  
205 White asked how long it will take to run out. Goeghegan stated it is market driven, but  
206 estimating it will take about 10 years.  
207  
208 White asked how long until the applicants want to construct the buildings as talked about in the  
209 reclamation plan. Goeghegan stated about 5 years or so, and then spoke of the screening to be  
210 used in the processing.  
211  
212 White asked if they have any other sand pits in the county. Goeghegan stated they have no other  
213 sand pits in Sauk County, but spoke of other pits they have located over southern Wisconsin.  
214  
215 Kettner asked about water in processing the sand. Goeghegan spoke of the water used for the  
216 dust created by the equipment.  
217  
218 Wernecke asked if there are any chemical additives to the water. Goeghegan stated they can add  
219 chemicals, but they don't unless under extreme conditions.  
220  
221 Wernecke asked if the trucks cover their loads prior to leaving the site. Goeghegan stated they  
222 won't haul the material, but the farmers will do it themselves. They will work for Elsing Farms  
223 and then Elsing Farms will be the ones to sell and deliver the product.  
224  
225 Wernecke asked about the fine matter that is in violation of the Clean Water Act and what they  
226 do to suppress that. Goeghegan stated they use water to regulate it and talked about the silica  
227 content.  
228  
229 White asked if this will be sold by the ton or the scoop. Goeghegan stated it will be sold by the  
230 ton and a scale will be installed.  
231  
232 Kettner asked about hauling sand for the highway purposes. Goeghegan spoke of the operation  
233 for highway construction.  
234  
235 Wernecke asked what makes it necessary to operate a pit on a Saturday. Goeghegan stated that  
236 because it is for farm use, this is not unusual, but it doesn't make or break it if they are unable to  
237 work on a Saturday.  
238

239 Janine Godreiaux-Leystra, Prairie du Sac Chair, appearing as interest may appear, explained the  
240 area to be reclaimed and used for ag purposes. She stated that their plan only allows a second  
241 operation if the material is used for ag purposes only and for bedding sand.

242  
243 Wernecke asked that this pit can only be used for ag use only and not road use. Leystra stated  
244 that is correct, it if for farm buildings that is ok, but this can only be for ag purpose only.

245  
246 White asked about a letter from Marsha Price. Leystra stated she doesn't know who she is, but  
247 she feels that mostly everything is being met.

248  
249 Steve Sorenson, appearing as interest may appear.

250  
251 Wernecke asked if this meets county and state requirements and if their reclamation plan and  
252 operation plan meets all requirements. Sorenson stated it does meet. He stated that they can not  
253 connect the mine elevation with the flood elevation.

254  
255 Seeing as no one else wished to appear, Chair White closed the public portion of the hearing at  
256 10:15 a.m. and the board went into deliberation.

257  
258 Kettner asked about including the Town's information in their conditions.

259  
260 Netzinger spoke of the land previous to mining.

261  
262 Wernecke stated that the a condition of the permit be that the sales and use of the sand from this  
263 pit be agricultural uses only.

264  
265 Motion by Wernecke, seconded by Netzinger, to approve the special exception permit to  
266 authorize the proposed location and operation of a non-metallic mining site, for 5 years and that  
267 the sales and use of the material can be for agricultural uses only. **Motion carried, 4-0.**

268  
269 C. United Dreams Dairy, LLC., and the Evert Family Trust, (SP-13-17), a special exception  
270 permit to authorize expansion of a mineral extraction site. The property is described as; E9024  
271 County Road C, part of the SE ¼, SW ¼, and part of the SW ¼, SE ¼, section 14, Town of  
272 Honey Creek.

273  
274 Dave Lorenz, Conservation, Planning and Zoning, provided a history and background of the  
275 request, verified the Town of Honey Creek is aware of the request, reviewed photos and a video  
276 of the property, and concluded with conditions to be placed on the appeal if it is to be granted.

277  
278 White asked if the site in question today will be mined or is spill over from the mine and is  
279 coming into compliance. Lorenz explained.

280  
281 White asked how the department became aware that the operator went outside of the mine  
282 boundaries. Lorenz was unaware and referred to Sorenson.

283  
284 Wernecke asked if Sauk County has monitored the air quality of the existing pit. Lorenz stated  
285 he is not aware. Wernecke stated that was part of the conditions.

286

287 White asked if this is extending the other permit or if this would include into the current permit.  
288 Lorenz explained.

289  
290 Wernecke asked if the office has received any complaints. Lorenz stated he is not aware of any.

291  
292 Wernecke asked about the operation and if the area was previously permitted. Lorenz stated  
293 there was a mine site out there in the past.

294  
295 Tim Goeghegan, agent, appearing in favor, stated that it was discovered by Sorenson during an  
296 inspection, and verified with Corporation Counsel that it is a mining activity per the County's  
297 ordinance. He explained their operation and that they have had the property staked by the  
298 County's Surveyor so they know the boundaries.

299  
300 Wernecke spoke of the language in the plan is verbatim to the previous application, trucking,  
301 water suppression, etc. Goeghegan stated that is the approved plan on file with the DNR so they  
302 use that for all of them.

303  
304 Steve Sorenson, appearing as interest may appear.

305  
306 White asked about the approval for only the approval of what is requested and rezoned and  
307 would like it marked so that he is aware of the boundaries as well when doing inspections.

308  
309 Kettner asked if the mine operator has responsibility for catching these mistakes to begin with or  
310 is the county's responsibility to catch them in the act. Sorenson stated that everyone knows the  
311 plan and "we go from there".

312  
313 Seeing as no one else wished to appear, Chair White closed the public portion of the hearing at  
314 10:35 a.m. and the board went into deliberation.

315  
316 Motion by Wernecke, seconded by Allen, to approve the special exception permit to authorize  
317 the proposed location and operation of a non-metallic mining operation, limited to the area that is  
318 rezoned, with the conditions recommended by Conservation, Planning and Zoning. **Motion**  
319 **carried, 4-0.**

320  
321 The Board recessed for 5 minutes.

322  
323 D. Dennis & Sally Fitzgerald, (SP-14-17), a special exception permit to authorize the  
324 location and operation of a proposed lodging house. The property is described as; S3685 State  
325 Road 136, part of the S ½, SW ¼, section 18, Town of Excelsior.

326  
327 Dave Lorenz, Conservation, Planning and Zoning, provided a history and background of the  
328 request, verified the Town of Excelsior has recommended approval of the request and conditions  
329 imposed if granted, which are included in Exhibit IV,1. He then reviewed photos and a video of  
330 the project and property and concluded with conditions from Conservation, Planning and Zoning  
331 to be placed on the appeal if it is to be granted.

332  
333 White asked how close the nearest neighbor is located. Lorenz stated they are located ¼ mile.

334

335 White asked if this is a hindsight permit. Lorenz stated this is proposed. White stated that the  
336 applicant information states otherwise.  
337  
338 White stated the packet stated their information shows they are advertising on AirBnB and have  
339 no issues with their rentals.  
340  
341 Wernecke asked if they have their state permit. Lorenz stated he is unaware of them having a  
342 state permit and they will be required to have one prior to being allowed to rent.  
343  
344 Wernecke asked about the floodplain map. Lorenz stated it does look close and would need to  
345 meet setbacks.  
346  
347 Wernecke asked about problems with flooding and would they be able to locate a replacement  
348 garage. Lorenz spoke of the restrictions of the 500-year floodzone and the restrictions of  
349 floodway and structures not permitted in the floodway and the requirement for surveys before  
350 anything would be permitted.  
351  
352 White asked about rental management and no specifications. Lorenz stated nothing has been  
353 provided.  
354  
355 White asked how it is determined that the septic will handle this many people. Lorenz explained  
356 that a new mound system permit has been requested.  
357  
358 Sally Fitzgerald, application, appearing in favor, stated that she has been operating as a lodging  
359 house through the State of Wisconsin, and stated she hasn't rented out this year waiting for the  
360 zoning permits.  
361  
362 White asked how long they have owned the property. Fitzgerald stated since 2013.  
363  
364 White asked how long they have operated as a lodging house. Fitzgerald stated for about 2  
365 years, and it is occupied from about Memorial Day through Labor Day.  
366  
367 White asked how many days a year they live in the home. Fitzgerald stated they don't live in the  
368 house, but do spend time working on the home.  
369  
370 White asked who the contact person is. Fitzgerald stated the neighbor across the street is  
371 monitoring the home.  
372  
373 Kettner asked if their number is listed on agreements. Fitzgerald stated her number is listed as  
374 the contact.  
375  
376 White spoke of no camping or tents, as well as contact information. She also asked how many  
377 homes within a ½ mile of her house and spoke of the contact letter, which needs to go to the  
378 Department.  
379  
380 Seeing as no one else wished to appear, Chair White closed the public portion of the hearing at  
381 11:05 a.m. and the board went into deliberation.  
382

383 White stated she is uncomfortable not having operating rules and they must include no camping  
384 or tents.

385  
386 Kettner stated he doesn't have anything against the proposal, but maybe delay decision until they  
387 have a copy of the operating rules.

388  
389 Motion by Kettner, seconded by Allen, to postpone the decision until the July meeting until they  
390 can receive a copy of the house rules and operating plan. **Motion carried, 5-0.**

391  
392 E. Lloyd & Susan Scharles, (SP-15-17), a variance to authorize the construction of a  
393 proposed secondary accessory building in excess of 120 square feet. The property is described  
394 as; E4311 W. Redstone Dr., lot 27 Mourning Dove addition to Lake Redstone, part of the NE ¼,  
395 SW ¼, section 14, Town of La Valle.

396  
397 Dave Lorenz, Conservation, Planning and Zoning, provided a history and background of the  
398 request, verified the Town of LaValle has recommended approval of the request, reviewed  
399 photos and a video of the property, and concluded with conditions to be placed on the appeal if it  
400 is to be granted.

401  
402 Kettner asked the size of the garage. Lorenz stated he did not know.

403  
404 White asked if the lots are splittable. Lorenz explained the minimum size of a lot.

405  
406 Kettner asked what the proposed structure size is. Lorenz stated 1,040 sq. ft.

407  
408 White asked if there are any other structures on top of the hill. Lorenz stated he is not aware of  
409 any other small structures.

410  
411 White asked about setting a precedent. She also stated she feels this is interesting that the Town  
412 approved this request.

413  
414 Lloyd Scharles, applicant, appearing in favor of the request, stated he wants a garage to store his  
415 boat.

416  
417 White asked how big the property is. Scharles stated it is about 387 feet long.

418  
419 White asked if he spoke to the neighbors across the street. Scharles stated his neighbor received  
420 the letter and he has never said anything.

421  
422 Kettner asked the size of the existing garage. Scharles stated he isn't sure.

423  
424 White explained that the request is for an area variance and asked how strict compliance with the  
425 ordinance in having a second garage would create a hardship. Scharles stated he is cramped  
426 down below and needs the extra storage for a jetski, bicycles, etc.

427  
428 White asked how long he has owned the property and if he is living there full-time. Scharles  
429 said since 1982 and he has lived there fulltime since 2001.

430

431 White asked about unique characteristics and public interest. Scharles stated it would look better  
432 than what they would see. He stated he would have a garage with the kids toys put in it.

433

434 Kettner asked if a 1200 sq. ft. structure would be large enough to fulfill his needs. Scharles  
435 stated it would not be.

436

437 Lorenz reappearing.

438

439 White asked if there is a maximum garage size. Lorenz stated it is based on the square footage  
440 of the lot, which is 1200 sq.ft. White asked how big the existing garage is. Lorenz stated he  
441 does not know, but is maybe 750 to 1,000 sq. ft.

442

443 Seeing as no one else wished to appear, Chair White closed the public portion of the hearing at  
444 11:35 a.m. and the board went into deliberation.

445

446 White stated public interest is not a problem, unique limitation may not be a problem, but  
447 justification for the hardship would be that he can't use the lot like he normally would want to.

448

449 Kettner stated he feels this would be setting a precedent. Kettner stated concerns with the cliff  
450 and the size of the lots are similar at Lake Redstone. The fact that the road runs where it does  
451 and everyone who bought a house there knows it is there.

452

453 White asked how much stock you put in the Town. Kettner stated typically a lot, however, he  
454 questions what kind of can of worms this may open. He has a storage problem, but it can be met  
455 in other methods. He suggested the Town request the change in the accessory structure  
456 ordinance.

457

458 Allen stated he puts stock in what the Township says and if he doesn't have the ability to have an  
459 attached garage, he feels it should be as big as they want.

460

461 Netzinger doesn't understand why the code exists and feels you should put everything inside. He  
462 is going to vote to allow because he doesn't feel the code is fair. He feels there are no issues  
463 with public interest and feels his hardship is that his lot doesn't allow for him to build an  
464 attached garage.

465

466 Wernecke stated he is not in favor of granting the variance because we do not want to allow  
467 someone to build as big a building as they want to storage all their stuff in and you cannot just  
468 ignore the zoning ordinance just because you disagree with it . He agrees that if someone wants  
469 the ordinance changed then the county should do that rather than the Board granting variances  
470 for everyone. He feels they don't meet unique limitations as everyone at Lake Redstone has  
471 those lots. He also doesn't believe having that much stuff needing storage is not a hardship.  
472 Having that much stuff is a choice.

473

474 White stated if you want a boat that is a choice. She also believes the Township should take this  
475 to the County to get this changed.

476

477 White opened up the public hearing for more testimony.

478

479 Jim Mercier, Town of LaValle Board, appearing as interest may appear, stated that the Town of  
480 LaValle petitioned the County Board to come up with a different zoning district to stop the  
481 construction of garages unoccupied by a dwelling.

482  
483 Scharles, reappearing in favor, stated you can't build on all lots and feels his lot is like another  
484 lot all together.

485  
486 White explained the requirements for a variance. White closed the public portion of the hearing  
487 at 11:50 a.m.

488  
489 Motion by Netzinger, seconded by Allen, to approve the variance for a 1,040 sq. ft secondary  
490 accessory structure building on a lot. **Motion failed, 2-3 with White, Wernecke and Kettner**  
491 **in opposition.**

492  
493 F. Dean & Mary Osgood, (SP-16-17), a variance to locate a proposed kennel within 1000 feet of a  
494 neighbors residence. The property is described as; S1364 Thompson Rd., part of the NE ¼, NE ¼, section  
495 21, Town of La Valle.

496  
497 Dave Lorenz, Conservation, Planning and Zoning, provided a history and background of the  
498 request, verified the Town of LaValle has recommended approval of the request, reviewed  
499 photos and a video of the property, and concluded with conditions to be placed on the appeal if it  
500 is to be granted.

501  
502 Kettner asked how this came to the Department's attention. Lorenz explained it came through a  
503 CUP process for the use and it was found through the mapping for the hearing that the kennel  
504 location and setback requirements were not met.

505  
506 Wernecke asked about minimum lot size. Lorenz explained.

507  
508 Kettner asked about a kennel on WC. Lorenz explained they have a variance.

509  
510 Mary Osgood, applicant, appearing in favor, explained the service they provide for therapy  
511 dogs.

512  
513 Kettner asked about the kennel. Osgood explained that they don't really have a kennel, as the  
514 dogs are kept in the house and have a run. The kennel is the term used in the ordinance for their  
515 use and then explained the training they do for the puppies they sell.

516  
517 Kettner asked about the extent of the business. Osgood explained. Kettner verified they are not  
518 kenneling other people's dogs. Osgood verified they are not. She also provided Exhibit VIII,  
519 which is a letter from the neighbor within 1000 feet stating they are in favor of the variance  
520 request.

521  
522 Seeing as no one else wished to appear, Chair White closed the public portion of the hearing at  
523 12:15 a.m. and the board went into deliberation.

524  
525 Kettner asked Lorenz if there is a definition when an activity becomes a kennel. Lorenz  
526 explained.

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White believes it is unnecessarily burdensome and does not hurt the public interest.

Wernecke stated the entire property is 40 acres.

Netzinger wonders if the fence could be moved and asked what the hardship is.

Motion by White, seconded by Wernecke, to approve the variance, as following the ordinance is unnecessarily burdensome, public interest is not harmed, a chain linked fenced where it exists now, no closer to the neighbor. **Motion carried, 5-0.**

G. Refik Falibasic, (SP-17-17), a special exception permit to continue the operation of a lodging house. The property is described as; S5730 Coleman Rd., lot 30 Tranquility Subdivision, part of the NE ¼, NE ¼, section 14, Town of Baraboo.

Dave Lorenz, Conservation, Planning and Zoning, provided a history and background of the request, verified the Town of Baraboo has recommended approval of the request, reviewed photos and a video of the property, and concluded with conditions to be placed on the appeal if it is to be granted.

White commented that the conditions don't refer to the previous conditions about cabin rules, camping and tents. Lorenz didn't comment.

Wernecke made a comment that the previous permit was only for 2 years and not 5 years as the documents state.

Wernecke asked how many of the rental units in a subdivision of 13 homes, does the Department feel is appropriate and does it no longer seen as a single family development. Lorenz stated there is nothing in the ordinances that limits the number of lodging houses in an area and maybe something the Department needs to look at.

Tom Kuester, agent for the owner, appearing in favor, stated that everything in the area is going smooth and there are two site managers on duty now for all sites. He provided Exhibit IX,1 contact information.

White stated that they were specifically told to add additional information and it was not added. Kuester stated it must have gotten overlooked.

White stated to make sure the current operating rules are filed with the office and that those are contained. She also stated he must contact all neighbors within 1500 feet.

Kettner agreed with White.

Wernecke asked if the area will be expanding to allow people change their houses into lodging houses. Kuester stated due to them being located close to Devils Lake it is possible. Kuester stated that there are retirees in the area that are not interested.

574 Wernecke asked when you hit the threshold and when you lose the intent of the district. Kuester  
575 stated he likes to see action out there because it is too quiet and appreciates the revenue.

576  
577 Randy Puttkamer, Town of Baraboo, appearing as interest may appear, stated that this  
578 subdivision has strict homeowners covenants. Puttkamer stated that all owners sign letters of  
579 agreement and it was a way for younger families to get into the subdivision with the availability  
580 to rent it out and still use it for their own families use until they are able to retire there. He also  
581 spoke of the sanitary sewer district and upcoming appeals.

582  
583 Seeing as no one else wished to appear, Chair White closed the public portion of the hearing at  
584 12:50 p.m. and the board went into deliberation.

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586  
587 Motion by White, seconded by Wernecke, to approve the special exception permit to authorize  
588 the proposed location and operation of a lodging house, adding condition I from the prior permit  
589 regarding contact information and providing the Department with verification that it happened,  
590 and providing the Department an updated copy of the cabin rules and the permit issued for 5  
591 years, as well as the other conditions recommended by Conservation, Planning and Zoning.

592 **Motion carried, 5-0.**

593  
594 Motion by Netzinger, seconded by Allen, to adjourn at 12:50 p.m. **Motion carried, 5-0.**

595  
596 Respectfully submitted,

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600 Henry Netzinger, Secretary

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