

SAUK COUNTY BOARD OF ADJUSTMENT  
October 25, 2018 Session of the Board

PRESENT: Linda White, Chair  
Dan Kettner, Vice Chair  
David Allen, Secretary  
Jim Mercier  
Valerie McAuliffe

ABSENT: None

STAFF PRESENT: Gina Templin  
Brian Cunningham  
Brian Simmert

Chair White asked Kettner to run the meeting.

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

The Board adopted the agenda for the October 25, 2018 session of the Board on a motion by Mercier, seconded by Allen. **Motion carried, 5-0.**

The Board adopted the minutes from the September 26, 2018 Board of Adjustment meeting on a motion by McAuliffe, seconded by Mercier. **Motion carried 5-0.**

COMMUNICATIONS:

None.

APPEALS:

- A. MBQ Properties LLC, (SP-17-18), a special exception permit to authorize the continued operation of a lodging house under new ownership. The property is described as; S5730 Coleman Rd., part of the NE ¼, NE ¼, section 14. Town of Baraboo.

Brian Cunningham, Conservation, Planning and Zoning, appeared and provided a background and history of the request, reviewed the video of the site and referred the board to photos within the packet if they chose to look at them. He then concluded with the recommended conditions should the board chose to approve the request.

Kettner asked how many homes in this area are currently lodging houses. Cunningham did not know.

White asked how many lots are currently built on in this subdivision. Cunningham did not know.

Kettner asked what the difference is between a lodging house and a short term rental. Cunningham stated the zoning ordinance speaks of a lodging house and anything under 30 days is a short term rental.

Bret Quinell, applicant, appearing in favor of the request, stated they purchased the cabin from someone who was using it as a short term rental and they would like to use it as the same thing.

White stated they are not intending to live in the house. Quinnet stated they live 15 minutes from there and plan to use it as an investment.

Kettner stated there is no mention of camping on the property in the cabin rules. Quinnet stated there will be no camping on the property. Kettner suggested adding that to the list of rules.

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

White stated that an additional condition needs to be added that they must need to provide a copy of the cabin rules to CPZ, no camping allowed, and the lodging house shall be ran in accordance to their operational plan.

Motion by White, seconded by Allen to approve the special exception permit to authorize the location and operation of a lodging house with the conditions added, as well as those recommended by the Conservation, Planning and Zoning Department. **Motion carried 5-0.**

**Discussion and possible action to grant an additional extension to January 24, 2019, for David Leatherberry under SP-09-2013 non-metallic mining operation, consistent with the purpose and intent of s.7.060(5) of the Sauk County Zoning Ordinance.**

Simmert appeared and explained the request to grant an additional extension for David Leatherberry under SP-09-2013, which will allow him to restart his operation again, with an extension to January.

Mercier asked what would happen if they don't turn in an application and required material by the 29<sup>th</sup> again. Simmert stated they would be shut down again and the requirements of NR 135, Chapter 24 and Chapter 7.

Ben Letendre, Attorney for David Leatherberry, provided a background and history of the request from 2013 to present and requesting a second, final extension to January 24<sup>th</sup>.

Kettner asked if you are asking for a final extension. Letendre stated he doesn't feel there would be the need of another extension.

White asked how long he has been Mr. Leatherberry's attorney. Letendre stated he is not at liberty to say, but in this case, at least 5 years.

White asked how long the mine has been open. Letendre stated since 1992.

White stated Mr. Leatherberry has been before this board several times and he has had at least 5 years notice that this permit was going to be due. Letendre stated he can assure the board this won't be an issue in the future. He also stated that he made an open records request to the county and feels that Mr. Leatherberry is being held to standards other mines are not.

Simmert, reappearing.

Mercier asked about the original permit in 2013 and if the reclamation plan was needed at that time. Simmert stated there was a reclamation plan filed at that time, but he can't answer the questions asked of him. He spoke of the audit done by the DNR and the site visit done with the DNR, Leatherberry, staff and his attorney.

Mercier asked if he can still file for the permit for the mining operation. Simmert stated he can still file and it will be the same process.

Seeing as no one else wishes to speak, Vice Chair Kettner closed the public portion of this hearing.

Allen stated the ones they see are the ones they always have problems with.

White stated they feel this applicant has certain expectations.

McAlliffe feels there are certain monetary hardships to the applicant and shutting him down doesn't seem to help the situation.

Allen spoke of the issue with the plan already being done in 2016.

White spoke of the use of consultants and mitigating circumstances with the request done in 2016.

Motion by White, seconded by McAuliffe to approve a final 90 extension and when the permit applicant comes through it will be dated back when the last one expired. **Motion carried 5-0.**

Motion by Mercier, seconded by Allen, to adjourn at 9:49 a.m. **Motion carried, 5-0.**

Respectfully submitted,

David Allen, Secretary