

SAUK COUNTY BOARD OF ADJUSTMENT
September 29, 2011 Session of the Board

PRESENT: Linda White, Chair
Dan Kettner, Vice Chair
Robert Roloff, Secretary
David Allen
Henry Netzinger

ABSENT: None

STAFF PRESENT: Steve Sorenson
Gina Templin

OTHERS PRESENT: See Registration slips

Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:00 A.M. The 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 Netzinger, seconded by Kettner. **Motion carried, 5-0.**

The Board adopted the agenda for the September 29, 2011 session of the Board on a motion by Roloff, seconded by Netzinger. **Motion carried, 5-0.**

Motion by White, seconded by Roloff, to adopt the August, 2011 minutes. **Motion carried 5-0.**

COMMUNICATIONS:

White spoke of a request from the Town of Honey Creek for a refund of their special exception permit fees. The Board determined that they could not take action and was an internal issue with the Department.

APPEALS:

A. James and Nancy Hinz (SP-22-11) requesting a special exception permit to authorize the location of a single wide mobile home in a residential subdivision.

Steve Sorenson, Environmental Zoning Technician, appeared and gave a brief history and background of the property, permitting and rezoning, as well as photos and a video of the site. He then recommended conditions to be placed on the appeal if the request were approved.

White asked if the trailer had already been brought in. Sorenson stated it was, and the Department received a call about a possible violation and that is how the applicant ended up in front of the Board.

Kettner asked if there are more than 1 lot located where the trailer is located. Sorenson explained that if they have enough space, they would still have to meet minimum setbacks and room for a septic in the future.

Kettner asked about Exhibit II, 8 and the number of acres given. Sorenson explained that is a record from Soaring and on small lots it will not show the acreage, due to it being less than 1.

White confirmed that they have to meet all the setbacks. Sorenson stated that is correct and will be part of the permit review.

Tim Hinz, appearing for the applicant, in favor, stated they are replacing an existing mobile home with the same size mobile home. He stated that there are several other mobile homes in the area and feel that it fits within the Baraboo Comprehensive Plan. He stated they did circulate a petition, in which the majority of the owners have signed in favor of the replacement home. He also spoke of 6 parcels that have been added to the subdivision, but are zoned Agriculture, as well as noting that parcel 1275 and 1274 were originally one lot, however they were split. The applicant now owns 1275 and 1276.

White asked about the garage shown on the photos. Hinz stated that the garage is located on 1275 and does belong to the applicant.

White asked how long the applicant has been on this property. Hinz stated it was in 1979 or 1980, were not the original owners, but the second owners on the property.

White asked about the petition and if there were anyone that did not want to sign it. Hinz stated that there were two that did not want to sign it, one that did not want to sign anything, and another owner on the other end of the subdivision that has a single family home that was opposed to it.

Netzinger asked if the soils test has been done and a septic system can be installed. Hinz stated that they soils have been done and if they can't get it in this year it will be put in this spring, however they still need to obtain the permits from the State and County.

Seeing as no one else wished to speak, Chair White closed the public portion of the meeting at approximately 9:26 a.m.

The board reviewed the request.

White stated it seems simple and the Town approves.

Motion by Netzinger, seconded by Roloff, to approve the request for a single wide mobile home in a Single Family District, with the conditions recommended by the Conservation, Planning, and Zoning Department and all mention of a variance will be changed to special exception permit.
Motion carried 5-0.

B. Robert Anderson (SP-23-11) requesting a special exception permit to renew a permit issued in 2007 to operate a lodging house.

Sorenson appeared and gave the history and background of the request as well as reviewing photos and a video of the site. He then provided recommendations on the appeal if the request were to be approved.

White asked if the special exception permits are issued to the person and not the property and are not made transferable. Sorenson stated that is correct.

Netzinger stated he is concerned about the request for renewal and the applicant asking for up to 1 year after the sale.

Allen asked if this was originally built for a lodging house or if it was built for a residence. Sorenson referred that question to the applicant.

Robert Anderson, applicant, appearing in favor, stated that the home was built as a property to build and sell and due to the market was left holding the house and to try to recoup some of the money, they requested a lodging house use and the house is still up for sale.

Allen asked if it will be sold as a residence and not as a lodging house. Anderson stated that is correct and the lodging house is used only for the mortgage.

Kettner asked about the acknowledgement of a fireworks complaint and if the issue is addressed for future users. Anderson stated that when the lodging house was initially done, Sand County took over the use of the lodging house and was in charge of getting renters in the home. He stated that they addressed the issue with the renters as well as cleaning it up and more carefully selecting its renters, as well as updating the lease agreement and notices placed around the home and are in charge of the rentals themselves versus a hired company.

White asked how many weekends/days a year the house is rented out. Anderson stated it's rented approximately 2 weekends a month, and during the summer months they prefer weekly rentals and try to keep it as a family rental. Summer time requires a minimum of 3 day rental.

White asked about interest in the sale of the property. Anderson stated that they do have some interest in the property and they have reduced the asking price.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 9:45 a.m.

The board reviewed the request.

Motion by Netzinger, seconded by Allen, to approve the request for the operation of a lodging house with the conditions recommended by the Conservation, Planning, and Zoning Department with the added condition that the permit is non-transferable. **Motion carried 5-0.**

C. Paul Rosenau, Olson Toon Landscaping (SP-24-11) requesting a special exception permit for tree cutting and replanting within 35 feet of Lake Wisconsin.

Sorenson appeared and gave the history and background of the request as well as reviewing photos and a video of the site. He then provided recommendations on the appeal if the request were to be approved.

White asked about the other properties in the area and if they have naked shoreline or if there is vegetative cover on other lots. Sorenson stated that the removal of these tree will make it a naked shoreline, but other properties surrounding do have vegetation, but more lots that get developed, more owners want a view of the lake.

White asked about photo 2, in a distance there are some larger trees. Sorenson stated that is correct.

White asked if the applicant is the same person who applied for the permit for the house. Sorenson stated he is not certain. He also stated he asked if the applicant could merely trim the trees or remove branches, and the owners did not feel that was acceptable.

Kettner asked about the riprap permit. Sorenson explained that the riprap permit comes from the DNR.

White asked if the boathouse permit would have been done in house due to slopes. Sorenson stated that was correct.

Paul Bickett, Olson Toon Landscaping, agent for the applicant, appearing in favor, stated that the owner does not like the trees in the views that block the fireworks displays of f in the distance and he simply does not like the trees. He stated that they propose adding another tree to the east of the property as well as placing some shrubbery.

White asked if these trees are a problem other than he doesn't like the trees. Bickett stated they are common trees and not really a problem tree, other than it blocks the main view of the lake, as well as the pruning wouldn't work.

White asked when the property was purchased. Bickett stated he felt it was in the last year or two. White spoke of riprap and the shoreline in existence. Bickett spoke of neighboring shorelines.

Netzinger asked about the tree planting. Bickett stated they are proposing replanting a tree on the east property line as well as some shrubs and other plantings.

White asked what kind of shrubs and how tall they will get. Bickett stated they are low shrubs and will not block the views.

White stated the public will not have the lake view in natural landscaping that they do now.

Allen asked about the trees located so close to the shoreline. Bickett stated they should be fine surviving in this location.

Kettner asked if that is the plan to plant larger trees rather than just a few small shrubs. Bickett stated the shrubs are right on the shoreline and then the one tree replacement is a small crab apple tree.

White asked about the trees and their approximate age. Bickett stated they are at least 10 years old.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 10:05 a.m..

Netzinger stated one tree is leaning towards the lake, however taking the trees down and replacing with a similar tree, the current replacing plan is not appropriate and would like to see a tree of substantial size that will grow to a substantial size.

White stated that the planting they are suggesting are not going to look like native plantings.

Netzinger spoke of photo 2 and the trees in size and type in that photo look appropriate.

Kettner stated that in the location that the trees are removed, he doesn't like the idea that they replace it with a smaller tree being placed on the property line and doesn't add to the natural aesthetics' of the shoreland.

Allen stated that defeats the purpose of what the owner wants to do and fees that he should be able to take the trees out so he can see the water.

White spoke of the native shoreline. She also suggested postponing the decision until a different plan can be provided.

Motion by White, seconded by Netzinger, to postpone the decision until the next Board of Adjustment hearing, giving the applicant a chance to provide a different plan that includes a more native amount of vegetation, additional trees, trees that are not small in stature. **Motion carried 4-1 with Roloff in opposition.**

Motion by Allen, seconded by Roloff to adjourn.

Respectfully submitted,

Robert Roloff
Secretary

