

SAUK COUNTY BOARD OF ADJUSTMENT  
July 28, 2011 Session of the Board  
9:00 a.m. Hearing

PRESENT: Linda White, Chair  
David Allen  
Henry Netzing  
David Wernecke, Alternate  
Ron Lestikow, Alternate

ABSENT: Robert Roloff  
Dan Kettner (observing hearing only)

STAFF PRESENT: Dave Lorenz  
Gina Templin

OTHERS PRESENT: See registration slips for others in attendance.

Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:10 A.M. The staff certified that the legally required notices had been provided for the scheduled public hearing. The Chair introduced the members of the Board, explained the procedures and the order of business for the day.

The Board adopted the agenda for the July 28, 2011 session of the Board on a motion by Allen, seconded by Netzing. **Motion carried, 5-0.**

Motion by Allen, seconded by Netzing to adopt the June 2011 minutes. **Motion carried, 5-0.**

COMMUNICATIONS: None.

APPEALS:

A. Highway 12 Auto Sales LLC (SP-14-11) requesting a special exception permit to authorize the location and operation of a proposed used auto sales lot, located in a commercial zoning district.

Dave Lorenz, Environmental Zoning Technician, appeared and gave a brief history and background of the property, permitting and zoning, 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.

Wernecke asked if measurements were taking at the site of the existing commercial businesses and making sure that there is adequate parking available. Lorenz stated he did not take any measurements, however, anything that does not have building is paved out there and feels there is plenty of parking for existing businesses as well as a display for the automobiles.

Victor Banchikov, Applicant, appearing in favor of the request, stated that he and his partner want to open a used car dealership to sell cars and have found out it is difficult to get permits and in order to receive a license, permits need to be received through the county.

White asked if she will be renting the space from the existing property owners. Banchikov stated they will be.

Wernecke asked about the proposed lot size indicating a maximum of about 30 vehicles. Banchikov stated that is correct.

White asked if the owner will allow for more room if they have more vehicles. Banchikov stated the owner is allowing more room if needed.

Wernecke spoke of Exhibit 4,3, there are no measurements of their layout and does not give the Board any idea how things are put together or will be laid-out. He also stated that the CSM does not reflect the layout of the plan that was provided.

Seeing as no one else wished to speak about the special exception request, Chair White closed the public portion of the hearing at approximately 9:25 a.m. on the Special Exception permit.

The Board discussed the request and the ordinance.

White stated the use seems compatible. Allen stated the Town Board is in favor and Netzing stated he does not want to go against the Town Board.

Wernecke stated the permit is a 5 year permit, so there is a chance for review at that time.

Motion by Wernecke, seconded by Lestikow, to grant the special exception permit for a used automobile sales lot, with the conditions listed by Planning and Zoning (Conservation Planning & Zoning). **Motion carried 5-0.**

B. U.S. Cellular (SP-15-11) requesting a special exception permit to authorize the location and operation of a proposed 300 foot telecommunication tower.

Lorenz appeared and gave the history and background of the request, reviewed the staff report, 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.

Jim Cheshire, US Cellular - Applicant, appearing in favor of the request, stated he has been researching alternatives for an antenna location to address a drastic need to improve coverage in the Leland area. He stated that the terrain and bluffs provide a nightmare for coverage and they evaluated many alternatives, and though this site isn't perfect, it is near perfect meeting all the setback requirements required per Sauk County code.

White spoke of concern for the height of the tower. Cheshire stated that it is much taller than normal, however, to have it transmit signals to clear the bluff, in order to compensate for that

they need to build the tower to the maximum height. As well as other companies that will want to co-locate will have the same hurdle with the terrain.

White asked about Item 2-24, there is a list of all the existing proposed sites in Sauk County and how many of those sites are not constructed at this point. Cheshire couldn't answer for sure.

Wernecke spoke of the current and proposed sites and when research was being done, what efforts were done to co-locate US Cellular's equipment on existing towers. Cheshire stated there is not a tower within a 6 mile radius and there are no other structures to accommodate cellular antennas in the area.

Wernecke asked about the lighting to be used on the tower. Cheshire stated that the issue with bird migrations, all studies show that significant bird kills occur with 500 feet or taller towers with guide wires. The tower they are proposing does not have wires. He spoke of the birds becoming disoriented and hitting the wires, but there are no studies that indicate a 300 foot self support tower has created any bird kills. He stated the specific lighting is the white lights during the day and the red blinking lights at night, as well as blinking lights throughout the tower.

Wernecke spoke of research specific to this area are more affected by the towers and the lighting. Cheshire stated all the research pertains to a tower with the guide wires.

Wernecke asked why using the red lights is preferred during the evening outside of the white. Cheshire stated that is what the FAA prefers, as well as complaints that the blinking white light at night is very intense and very offensive.

Netzinger spoke of Tower Rock School and will this tower provide them service. Cheshire stated that according to the coverage map they will, but because of the bluff it will not make it optimal.

Marcus Wenzel, Chair, Town of Honey Creek, appearing in favor of the request, stated that the area is a dead area and there is a need for the farmers, the Township to communicate with their patrolmen, as well as County departments needing the service.

Alan Albers, Owner, appearing in favor of the request, stated that he is the owner of the property and the service is extremely poor in that area and is very much needed.

White asked if there is a long term lease on the property. Albers stated it is a 25 year lease, but it is renewable every 5 years.

Jeff Albers, appearing in favor of the request, stated that the landlines in the area frequently go down and they can be down for days at a time, which creates a safety issue if there is no cell-phone coverage or landline coverage. He also stated that with the terrain it makes it very difficult to get any reception at all.

White asked if this would also be used for internet access. Albers stated it would.

Kevin Sarto, Sauk Prairie Ambulance District, appearing in favor of the request, stated his service covers that area and spoke of equipment that they use for healthcare and communications. He stated there is no coverage in that area for them to be able to transmit any data and communicate with other emergency services.

Duane Lins, appearing in favor, stated he is a resident of the area and has no service currently, as well as being on the Board for the Plain Fire and Ambulance, and the area that is so dead is much within the Plain District and will help their emergency services as well.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 9:55 a.m.

The Board discussed the request.

Wernecke stated he feels the construction of the tower seems to be the most responsible construction of the unit for the terrain it is located in.

Netzinger asked about being in any flight pattern or near an airport or private airstrip. Unknown.

Motion by Lestikow, seconded by Netzinger, to approve the special exception permit for 300 foot communication tower with the conditions recommended by Planning and Zoning (Conservation, Planning & Zoning). **Motion carried 5-0.**

C. Dan & Vicky Olson (SP-16-11) requesting a special exception permit to authorize tree cutting and filling and grading on slopes of more than 20% to prepare a site for the construction of a boathouse.

Lorenz 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 how much of the tree removal was to take place and what percentage it was. Lorenz referred to the applicant.

White asked if the applicant has a riprap plan being reviewed by Conservation. Lorenz stated that the riprap is under the jurisdiction of the DNR and not the County.

White asked if there are other boathouses in the area and how much clearing on adjacent properties. Lorenz stated there are other boathouses, and is not positive on the adjacent lots as far as their cutting.

White asked if the Department has received a cutting plan. Lorenz stated the only thing submitted is what was submitted to the Board by the applicant.

Wernecke asked about the shoreland ordinance and the requirement of boathouses not being allowed to be built on slopes of 20% or more. Lorenz stated the 20% is right along the shoreline

and the boathouse must be back 5 feet from the shoreline and as long as the boathouse is not located within the 20% slope it is allowed.

White stated that in Section 8.07(5) speaks of cutting plans meeting certain criteria and asked if the plan submitted meets the criteria. Lorenz stated that is up to the Board.

Wernecke states that there is no specific tree cutting plan or replanting plan provided.

Netzinger asked if the lot is a clear lot right now and reviewing Exhibit II,5-6 there is a rectangle shown which represents a possible building site for a home. Lorenz stated that is how he understands it.

Wernecke asked based on the location of Exhibit II,6, does the double line indicate the setback. Lorenz is not positive, but possible it is a side yard setback.

Wernecke stated his issue is that many of the plans lack any dimensions and it is confusion to interpret what is being done. Lorenz stated that for the Department to issue permits it will have to be shown that they can meet all setback distances for any construction.

Lestikow asked about the DNR being notified. Lorenz stated that the DNR has been notified, but no comment was received from them on the request.

Dan Olsen, applicant, appearing in favor of the request, stated that their letter explains the feelings on the property and feels that the leaning trees could pose a safety issue and the proposed boathouse and dock would be under the leaning tree. He also stated that the trees in general are overgrown and uncared for. He stated there is no tree plan, as they didn't know what to do and were looking for guidance as to how many trees to plant and how to deal with erosion control and runoff, and that they would prefer to plant trees that are more long lived. He stated he has met the neighbors and believe they are onboard with changing the landscape a little bit, as well as having applied for a DNR riprap permit. Their intention is to remove all of the trees and put in a boathouse.

Wernecke asked if a tree planting plan has been started to be developed or discussed any types and growth patterns. Olsen stated they have nothing specific and be strategic with their plantings and fit it in to how they will build a new home.

White stated this is not the place where you would get advice and suggested going to the Conservation, Planning & Zoning and suggested postponing this hearing until an actual plan is in hand.

Netzinger stated he can see the trees that are existing and feels the riprap will improve the situation.

White suggested that the plan be something that is similar to the rest of the area and be compatible with the area.

Wernecke suggested that he also seek input from the University Extension Department that provides help with planting along shorelines that protects water quality.

Olsen stated there is some filling that has to be done due to the removal of the old structure and will want to grade to level out and install retaining walls as a house with a lower level is desired.

Paul Kuehn, appearing in favor of the application, stated that he is assisting with the plans and building the boathouse, as well as figuring out what kind of home design they want. He stated there is no plan for a final desire for the end result of the property and they are unsure on the construction of the home and such. He stated that the adjacent neighbors have boathouses and very little vegetation, as well as riprap installed and feels that providing a plant plan for future trees is not a problem and can provide a plan to the Board next month with what their intentions are. He spoke of an erosion control plan and that could be provided later as well.

Vicky Olsen, owner, appearing in favor of the request spoke of previous property they have owned and maintaining the tree at their previous home. She stated that they did plant day-lilies on the property along the adjacent owner's fence line.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 10:32 a.m.

White stated she feels it should be postponed until next month and have them come back with a planting plan and erosion control plan.

Wernecke stated there is not enough information provided for him.

Motion by White, seconded by Wernecke, to postpone the hearing and have the applicant provide a tree planting plan and erosion control plan to present to the Board. **Motion carried 5-0.**

Motion by Allen, seconded by Wernecke to adjourn. **Motion carried 5-0.**

Meeting adjourned at 10:55 a.m.

Respectfully submitted,

Linda White for Robert Roloff