

SAUK COUNTY BOARD OF ADJUSTMENT  
September 27, 2012 Session of the Board

PRESENT: Linda White, Chair  
Dan Kettner, Vice Chair  
David Allen  
Nicholas Ladas  
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 Allen, seconded by Netzinger. **Motion carried, 5-0.**

The Board adopted the agenda for the , 2012 session of the Board on a motion by Netzinger, seconded by Kettner. **Motion carried, 5-0.**

Motion by White, seconded by Netzinger, to adopt the minutes for the August 2012 meeting. **Motion carried 5-0.**

COMMUNICATIONS: None.

APPEALS:

Motion by Allen, seconded by Netzinger to bring the appeal back into public hearing. **Motion carried 5-0.**

A. Discussion and possible action on an appeal postponed at a previous hearing. Norbert Moy (SP-20-12) requesting a special exception permit to authorize the location and operation of a proposed mini warehousing facility.

Norbert Moy, applicant, appearing in favor, stated they met with Kevin Stieve, Baraboo Fire Chief, requested a second gate and a wider gate, but disputes where the fire department requested to have access and feels there is an alternative.

White asked about a packet of information the Board received, however they don't have anything that states the request that the City has requested. Moy stated there is a letter that the Fire Chief submitted to the zoning department after the cone test.

White asked about the photos submitted with the plans showing the buildings and the gate system proposed with the project. Moy stated that is correct.

Kettner asked if the gate can work without a power system. Moy stated he understands there is a manual over-ride for the system.

Ladas asked about the Fire Chief's conclusion. Moy stated he sent out a letter with several requests. He also stated they did make request, but he didn't say that it wouldn't work.

Steve Sorenson, appearing as interest may appear and presented Exhibit IX,1 , information provided by the City of Baraboo Fire Chief, which includes photos, a letter and recommendation for the Board to approve the request. He then read the letter into open records.

White asked if there has been any other correspondence regarding the proposal. Sorenson stated not his knowledge.

Tim Moy, appearing in favor, presented Exhibit X,1, and spoke of additional information and plans and stated that it wasn't that they weren't prepare but were rushed to make contact with the Fire Chief. He also spoke of the disappointment in that the city could not/did not use technology such as using CAD drawings, but needed an obstacle course. He continued to review the time line of activities between the applicants and the City and feels that it was merely just politicking by the City. He then spoke of a similar development taking place in the Town of Springfield and the Waunakee Fire Department with very little effort for approval.

White asked about the request from the Fire Department and there is agreement that the gate can be wider. Moy stated they agree, but it is not in the plans, but will comply. White asked about the Knox Box request. Moy stated he felt that is a request they can comply with. White then asked about the building being moved back 20 feet to the south to provide for a second gate. Moy stated they disagree with that request and will leave it to the engineer. White asked about the state approved plans. Moy stated that is ok. White confirmed they disagree with the additional gate and moving the buildings an additional 20 feet. Moy stated they disagree.

Netzinger spoke of the 3<sup>rd</sup> email regarding the Waunakee project and stated that the corners are 20 feet versus 25. Moy stated that plan is incorrect and they spoke on the phone with the Waunakee reps to discuss what the actual measurement is.

Sherman Rascheim, appearing in favor of the request, stated that the requests made by the Fire Chief, stated that the comments made by the Fire Chief are in correct as the truck is not as wide as he stated. He also spoke of the gate if there is a power outage, there is battery operated power that will assist if there is an outage. He then discussed the additional gate and feels there is no need for the additional gate and referred to the Waunakee project as an example and feels the Chief's interpretation is incorrect. He addressed the Knox Box which they don't have a problem with. The moving of the buildings 20 feet further they feel is unnecessary as they have already move the buildings a couple different times.

White asked about the building phases. Rascheim confirmed which buildings will be located in phase I.

White asked about the larger buildings being moved to allow for initial access driveway better.

Netzinger asked if there is a manual override for the battery operation of the gates. Rascheim stated that is correct.

Eric Henningsgard, appearing in favor of the request, stated that he is the Engineer and will answer any technical questions.

White asked if the storm water plan meets code. Henningsgard stated it meets the Town and State requirements and had now met the City's requirements.

Mike Palm, Mayor, City of Baraboo, stated that the City has appeared before the Board previously and they still object the proposal and their reasoning has not changed. He spoke of the City's comprehensive plan, trying to work through the issues with the applicants. He spoke of the continued concern with sanitary facilities, which has not been addressed, as well as also being concerned about the architectural look, which has not been fully addressed, and is available through the developer as shown on their website. He then discussed the number of units proposed, as this size of development is unheard of in Sauk County as a whole.

White asked about the facade and if Farm and Fleet were required to address the look. Palm stated he is unaware as Farm and Fleet was built a long time ago, however, any new development would have to comply with aesthetic features and provided an example of development taking place near Walmart.

Kettner asked if the City has sat down with the developer and discussed the issue of aesthetics. Palm stated they have worked through Sauk County Planning and Zoning, as the property is not located in the City and feels that the issues has been made known. He referred to the website of the developer and stated they provide a range of different types and the City would be open to something in the mid-range and try to get the best facade they can.

White asked how far back the front of the proposed building is to where the gas station down the street is. Palm referred her question to the City Engineer.

Tom Pinion, City of Baraboo Engineer, appearing in opposition to the request, addressed the question of comparison with the gas station and says he has not specifically measured, but it is comparable. He did note that all other developments like this are around 200 feet from the road. He then addressed the fire department issues, which included the 2<sup>nd</sup> gate and how it addressed fire issues.

White asked where the City feels the gate should be located. Pinion stated the second gate should be located on the east side of the development. He also then spoke of a written request from the Conservation, Planning and Zoning Dept made to the developer to meet with the Fire Chief, and they didn't meet with him until 3 days before the meeting.

White stated she doesn't feel this is all about politics and simply feels this is about poor planning.

Pinion then spoke of the width of the fire engine and what takes place during an emergency response.

White asked about how large of a gate for the 2<sup>nd</sup> gate. Pinion stated the Chief requested a 14 foot gate at both points. White confirmed the request for additional space for the buildings to be put back. Pinion stated due to the possible vehicles, they need the additional space.

Netzinger asked about additional costs for the drive. Pinion stated the entire drive is all paved.

Ladas stated under the current plan they agreed to a 14 foot gate and asked about the operation of the gate. Pinion stated he is not suggesting the gate may not operate, but what if it is blocked. The Fire Chief determined the safest route is to have 2 points of ingress/egress.

Pinion did stated that the City did meet with the Developer on the facade of the development, but the developer did not address that.

Ladas asked if the City had conversations with the County staff and the developer. Pinion stated that the city made their issues very well known to County staff through personal contact and email.

Raschein reappearing to address questions.

White asked about the plantings along the gate. Raschein stated he can't answer the question.

Henningsgard reappeared and stated that he is unsure on the species, but he believes they are 36-48 inches high, as feels the other species are a bush style, but does not know how tall they are. He also addressed moving the buildings back and the 2<sup>nd</sup> gate, he suggested increasing the pavement on the corner.

White asked about an expense with the 2<sup>nd</sup> gate as they are not requesting anything specific, but a mere swinging gate. Henningsgard stated he doesn't feel that would be an issue.

Raschein reappearing, address the gate issue and said he has built a thousand of these developments and stresses only 1 entrance and exit so you can control traffic and stated for the vast majority of the day there will be very few if any vehicles located in this development. He feels they could add an additional gate, but feels they have done enough and feels they have gone above and beyond every point and don't feel they need to comply with the additional gate or moving the buildings back.

Netzinger asked if all facilities are fenced. Raschein stated 70% of new facilities are fenced with one access.

Seeing as no one else wished to appear, White closed the public portion of the meeting at 10:00 a.m.

White stated she sees the area of more of a commercial area, rather than a downtown retail establishment fitting into an area for looks.

Kettner stated that he feels aesthetically he doesn't feel where this detracts from the City entrance and it is still as storage facility. He feels the safety issues are an entirely different thing and feels they have covered that well enough. If it looks to be, once the development is done, and there is a need for the additional gate, it could be done in the future. He also stated it is not a high traffic area and has his own storage area and has never seen more than 2 vehicles there at any one time. He state most times these developments are kept up better than their neighbors and would rather have this type of development next to him than a body shop or the like.

Allen stated he has no objections to it but is concerned with the extra gate and feels that if that is what it takes to make everyone happy, he would request to have the gate put in rather than coming back.

Netzinger stated he has seen fire fighters fight before and if something is in the way, they simply move it and can go through the fence. He addressed the water runoff statement that he made last month and feels that he shouldn't have made that statement as it is done by an engineer and feels the entire project should be done, rather than asking for phase II to come back, as this is a contentious issue and he has a bad taste in his mouth with it. He feels the Board has done diligence with looking at Waunakee has approved and feels this has more room than the Waunakee development.

Ladas stated that all board members have stated what he feels. He stated he was concerned with the fire safety issue and feels that the developer has bent over backwards to put in a 14 foot gate and feels a 2<sup>nd</sup> gate is not needed and feels architecturally he has seen these facilities in Illinois and feels they are not an eyesore and they take good care of them and feels the plans show a nice building.

White stated she can see a reason for a second gate, but feels the facility with a big fast spread of fire, it is not as likely and is not sure that the potential costs for the applicant does not balance out with the gain for safety in case of a fire. She also feels that the gate and plantings will catch someone's eyes rather than the actual buildings located on the property. She concluded with the fact that no one provided a better use for this property and feels having the property developed to bring in taxes is a positive.

Motion by White, seconded by Netzinger, to approve the request with the conditions set by Planning and Zoning, with the requirement for a 14 foot main gate and a Knox box to be located on the property. **Motion carried 5-0.**

B. Gene and Shirley Harms (SP-26-12) requesting a special exception permit to authorize the location and continued operation of an agricultural related business.

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

Kettner asked how close the equipment is to the road. Sorenson stated they are not in the right of way, but 5 feet off of the right of way line.

White asked about the 110 foot setback. Sorenson referred to the applicant.

White asked that this was originally permitted many years ago. Sorenson stated they had a BOA in 2005, and in 2010 the original permit had expired and the applicant had cleaned up the property and then in 2011, the applicant continued to bring equipment in again in which time the county took enforcement action and then brought him in for a the special exception permit.

White asked about complaints from the neighbors or Town. Sorenson stated that he hasn't received any complaints.

White asked if the property has always been owned by the same owner and asked if the department would object to a 10 year permit. Sorenson stated that is fine.

Kettner asked about the applicant requesting a 7 year permit. Sorenson stated that is what the applicant requested.

Allen asked if this was in a different township would this be allowed. Sorenson stated that under the zoning ordinance, there is provisions to sell ag equipment, they have to follow the code, however if they are selling a tractor or a car, a one time event they do not need a special permit.

Netzinger asked about page 3, and the setback distance and the area allowed for display of equipment. He stated the area always looks decent and feels there is no problem with the display area, however feels he is encroaching on the 110 feet. Sorenson stated as long as he is not parking in the right of way and have a legitimate setback off the right of way, the Department would be ok with removing the 110 foot setback.

Gene Harms, applicant, appearing in favor of the request, stated they would like to continue the selling of ag related items and it is more of a silly hobby and there are not a lot of machinery dealers around Baraboo and feels they are providing a service to the surrounding farming community.

Kettner asked if there is any kind of limit of the number of sales on the permit requested. Harms stated that the only limit would be on the size of the display area.

White suggested a square foot on the area and allow the applicant to decide where to place it.

Kettner stated he just wants to make sure something is in place should there be auctions where more equipment is brought in.

Steve Cahoon, Town Board representative, appearing in favor of the request, stated that the business has existed for several years, and the Town feels that the 300x300 ft area is satisfactory with the Town and he has met with the Town and his request has been approved by them.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 10:35 a.m.

White feels 100,000 sq ft. area is adequate and feels 10 years is appropriate and he can't sell it or transfer the permit.

Motion by Allen, seconded by Netzing, to approve the special exception permit to authorize the location and operation of an agricultural related business, with the conditions recommended by Conservation, Planning & Zoning, with lot size not to exceed 100,000 square foot display area and the permit to be for 10 years. **Motion carried 5-0.**

B. Michael and Lucy Schonfeld (SP-27-12) requesting a special exception permit to authorize filling and grading on slopes of more than 20% during the construction of a residence.

Steve Sorenson, Environmental Zoning Technician, appeared and provided exhibit VII, 4 and 5, a letter from the Town of LaValle and a drainage way agreement between lots 42 and lots 43. He then gave a brief history and background of the property, as well as reviewing photos and a video of the site. He concluded by recommending conditions to be placed on the appeal if the request were approved.

Ryan Olson, Evergreen Homes, agent for the applicant, appearing in favor of the request, stated that they have been working with the Department and have plans in place to address erosion and the drainage way, the installation of the septic system and stabilization of the lot as they go. He spoke of the support from the neighbors and the Town of La Valle. He also stated that the project start date may be postponed and requested the approval a longer timeframe to complete the project.

White stated the permits are good for 2 years.

Kettner asked what the definition of starting the project entails. No response. White stated they would address Sorenson with those questions. She complimented the agent on his plans.

Sorenson reappearing. White asked about the timeline. Sorenson stated the Board gives a year to secure permits, then the permits are good for 2 years and they can renew for another 2 years. He also stated the Department would support a 5 year deadline on the project.

Bev Vaillencourt, representing the Town of LaValle, appearing in favor, stated that the Town and Plan Commission voted to approve the project and the agent has been very good at providing plans and communicating with the Town. She stated the Fox Court community is a tight community and they all support each other.

Seeing as no one else wished to appear, Chair White closed the public portion of the hearing at approximately 10:50 a.m.

White stated the plans are well done and the extra water runoff has been well addressed. The Board agreed the packet is very complete.

Netzinger feels that if they come forward and get approval one, the permit can be good for 5 years.

Kettner asked if it is beginning in 5 years or completing in 5 years. White stated it is to secure permits.

Netzinger asked if codes changed. Sorenson stated if they had a permit in place they could follow what was proposed, rather than following new codes.

Kettner stated he doesn't want the land opened up and is addressed and the water issues are addressed as soon as possible.

Netzinger stated he isn't worried about the land opening up and not being addressed.

Motion by Ladas, seconded by Netzinger, to approve the special exception request for filling and grading on slopes of more than 20% during the with the conditions outlined by Conservation, Planning & Zoning, allowing the applicant to secure permits within 5 years. **Motion carried 5-0.**

Motion by Kettner, seconded by Allen to adjourn. Motion carried.

Meeting adjourned at 11:00 a.m.

Respectfully submitted,

Henry Netzinger, Secretary