

SAUK COUNTY BOARD OF ADJUSTMENT  
January 24, 2013 Session of the Board

PRESENT: Linda White, Chair  
Dan Kettner, Vice Chair  
David Allen  
Nicholas Ladas  
Henry Netzing

ABSENT: None.

STAFF PRESENT: Dave Lorenz  
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 Kettner . **Motion carried, 5-0.**

The Board adopted the agenda for the January, 2013 session of the Board on a motion by Kettner, seconded by Netzing. **Motion carried, 5-0.**

Motion by Netzing, seconded by Ladas to approve the minutes from the November, 2012 hearing. **Motion carried, 5-0.**

COMMUNICATIONS: None.

APPEALS:

- A. Scott and Linda Fuchs (SP-01-13) requesting a special exception permit to authorize the location and operation of a proposed mineral extraction site.

Dave Lorenz, 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.

White asked if this hearing is postponed, will the Board go through the entire hearing/packet at the postponed hearing. She asked if there is a request for the entire hearing to be postponed or just the decision.

Bob Jewell, The Kraemer Company, Agent, appearing for the applicant, requested that the Board to postpone today's request for the Fuch's site, as the Town would like the opportunity for the request to go to their Town Board meeting on February 12<sup>th</sup> and the return to the Board. Jewell explained the reason the Town requested time for their hearing.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 9:10 a.m.

Motion by Netzinger, seconded by Ladas, to postpone the hearing until the March Board of Adjustment. **Motion carried 5-0.**

- B. Don Pellett (SP-02-13) requesting special exception permits to authorize the location of ponds within 110 feet of a property line and within 300 feet of Honey Creek.

Dave Lorenz, 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.

White asked about picnic tables shown in the photos. Lorenz explained it is a private area for the owners.

Kettner asked how close to Honey Creek are the ponds going to be located. Lorenz stated he understands about 120 feet. Kettner also asked about the property line distance. Lorenz stated the plans show 60 feet.

Kettner spoke of the recommendation from the Town of Troy and the misunderstanding of the wording.

Ladas asked about the Department doing the design work and if there are any funds available for the project. Lorenz stated he is unsure on the funding, but the design is done by the Department where a private entity would charge for that.

Serge Koenig, Agent for Applicant, appearing in favor of the request, stated he designed the project for the landowner and he is receiving 70% cost sharing to put the scrapes in. He also explained the area and the project and confirmed that all the spoils will be located in the high lands and not in the wetlands or the floodplain.

Kettner asked if there will be water in the pond year around. Koenig stated that he believes there will be water in there year around due to its location to Honey Creek. He continued to discuss the project and specifics.

White asked if this would have an impact on the Reed Canary Grass. Koenig stated this is one of the reasons they are doing the project and will take out that grass and improve the wildlife. He confirmed the design is done free of charge through the Department and then offer the cost sharing.

White asked about comments from the neighbors. Koenig stated they seem supportive.

Kettner asked if he was at the town meeting. Koenig stated he was not able to make it to that meeting and the land owner represented himself.

Kettner asked about the reseeding and erosion control. Koenig explained.

Kathrine Lohr, appearing as interest may appear, stated that she was not informed of the Town meeting on this issue, and did not know where the ponds were being built and being the land owner to the west,

is unsure how close it will come to her property. She also stated in 2008 the entire section was flooded, and Alliant Energy's lines go through that area and how close they are to the proposed ponds.

White reviewed the photos provided and explained where the ponds will be in relation to her property.

Koenig reappeared and stated that the Lohr property is a good 300-400 feet away from the proposed ponds and the property lines in question are to the east, away from her property. He then addressed the flooding and that her property is upstream and the ponds will help to store more water on Pellets property and keep water off of the neighbors' property.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 9:35 a.m.

Motion by White, seconded by Ladas, to approve the special exception permits for the location of two ponds within 110 feet of a property line and 300 feet from Honey Creek, with the conditions requested by Conservation, Planning and Zoning. **Motion carried 5-0.**

- C. EC3 Environmental Consulting Group, Inc. (SP-31-12) requesting special exception permits to authorize the location and operation of a contractor's storage yard and an agricultural related business.

Dave Lorenz, 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 if the road shown in the video was a driveway or a town road. Lorenz explained it was a drive, as it meets up with Highway 136.

White asked about the screening in the 1998 permit and questioned why there is no wording about maintaining the plantings for screening and the hours of operation and the conditions being the similar to the original permit on the property.

Eric Schlender, Applicant, appearing in favor, stated there is no storage outside other than a trailer that may not be able to fit inside. He stated over 70% of the income on service work is done on USDA/CRP programs, which is ag related and offer forestry related services, as well as the selling of seeds and plants associated with those programs. He stated that he wants to just cover things to be able to store things outside if the business grows. He explained the screening and vegetation currently existing, as well as the fencing.

White spoke about finding out the necessity of the permits after the fact. Schlender stated he spoke to the Town prior to the purchase and was told he didn't need any other permits and such to continue to use the property for those uses. He also stated that most business is done off the property and they go to their clients, the clients do not come to them.

White read the Town Board notice and the vote for the request.

Kettner verified that the operation will be a continuation of what had been ongoing. Schlender stated that was correct.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 9:50 a.m.

Motion by Ladas, seconded by Allen, to approve special exception permits to authorize the location and operation of a contractor's storage yard and an agricultural related business with the conditions recommended by Conservation, Planning and Zoning. **Motion carried 5-0.**

Motion by Kettner, seconded by White to adjourn. **Motion carried 5-0.**

Meeting adjourned at 9:55 a.m.

Respectfully submitted,

Henry Netzinger, Secretary