

SAUK COUNTY BOARD OF ADJUSTMENT
August 22, 2013 Session of the Board

PRESENT: Dan Kettner, Acting Chair
David Allen
Henry Netzing

ABSENT: Linda White
Nick Ladas

STAFF PRESENT: Dave Lorenz
Gina Templin

OTHERS PRESENT: See Registration slips

Vice Chair Kettner called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:10 A.M. She 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 Netzing, seconded by Allen. **Motion carried, 3-0.**

The Board adopted the agenda for the July 25, 2013, 2013 session of the Board on a motion by Allen, seconded by Netzing. **Motion carried, 3-0.**

Motion by Allen, seconded by Netzing to approve the minutes from the July 2013 hearing. **Motion carried 3-0.**

COMMUNICATIONS: None.

APPEALS:

- A. Matt Elsing, requesting a special exception permit pursuant to s.8.08(3)(a) to authorize filling and grading within 300 feet of navigable water during the construction and landscaping of a new residence.

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 about "clearing within 35 feet" and verified the meaning being the removal of vegetation and asked what the result of the citation was. Lorenz stated that he was correct on the meaning and a stop work order was in place due to the citation and the owner was notified that he had to maintain erosion control during that time and this hearing.

Kettner asked about photo #3 and if that is where the boathouse will be located. Lorenz confirmed that the boathouse is/will be located in a different location.

Kettner verified that the clearing standards have not been adhered to. Lorenz stated that the previous permit for the boathouse had clearing that extended beyond that point, but there was more than 4,000 sq. ft disturbed.

Kettner asked about the height limit of a boulder wall. Lorenz explained there is no height limit on boulders walls, only the requirement for a permit.

Kettner asked how long the access road has been in place on the site. Lorenz stated there was some access available during the construction of the boathouse.

Matt Elsing, applicant, appearing in favor of the request, presented Exhibit VIII,1, a design and concept map different from the one provided in the original packet. He spoke of the series of retaining walls, clear cutting and excavation, stated that they planned to move the house and put the driveway in a way that allows them to leave some of the vegetation rather than putting in retaining walls.

Kettner verified that the new house location will meet all setbacks. Elsing stated it would.

Elsing then stated that the disturbance was merely from staging of the retaining wall rock and it has been stabilized, seeded and mulched.

Kettner, referring to Exhibit VIII,1, asked about the contour lines for elevation, asked what the number represents. Elsing stated that the 25 starts the 25 feet above the high-water mark and the first line would be 0. Kettner asked if the contour changed and asked for a reference of what the starting point was.

Elsing continued to state that the driveway would be at a 11% grade with 300+ feet of driveway and all of the construction to take place will be at least 140 feet away from the water's edge.

Kettner asked about the site's "highly erodible condition" and asked if it is in that condition by nature or the result of the construction going on. Elsing stated it is natural and that the entire valley is eroding and washing into the lake. Kettner verified the marginal conditions have been worsened by the excavation that has happened. Elsing stated that is correct but it will get better.

Kettner asked about a serious potential for a washout and if it is being dealt with as the construction is going on. Elsing stated that once the retaining walls go in there won't be the severe slope anymore. Kettner suggested bales of hay, silt fence and other methods keeping them in place helps safeguard material being washed into the lake. Elsing stated they could add more silt fence. Kettner suggested he take those steps.

Kettner then asked about high grade plastic and clear stone being used. Elsing explained the fabric to be used, and the "clear stone" is washed stone.

Elsing assured the board he would be diligent at keeping the silt fences up and take extra steps to prevent erosion as they go.

Netzinger asked about the driveway shown on Exhibit VIII,1 and if the driveway has already been started. Elsing stated that the drive in the northeast corner will cross the existing drive (near the 85-92 foot elevation marks).

Netzinger stated the driveway is existing right now. Elsing stated that the driveway right now goes along the north east corner.

Kettner stated that based on the second plan presented this morning there is further excavation to be done just for the drive. Elsing stated there will be tree removal there as well.

Howard Lenerz, appearing as interest may appear, stated his property adjoins the applicants property to the south and to the west and have had their property since 1997 and are most affected by the rains and erosion from the applicants property. He also stated that the property had a natural ravine through it which he removed and are concerned about excessive water through coming from the applicants property. He concluded by stating that the boathouse that was built is not meeting the required 10 foot side yard setback, but was not built according to plans and is now around 9 feet. He provided Exhibit IX,1, his testimony in written form.

Netzinger verified that the boathouse is within the required side yard setback. Lenerz stated that is correct.

Kettner asked Lenerz to verify where his property line is using Exhibit VIII,1.

Elsing, reappearing in favor, stated that there was an issue with the concrete on the boathouse and the contractors placed the boathouse in the wrong location as they didn't know where the lot line was. He stated that the actual structure is not within the setback, but part of the concrete foundation is in the setback.

Kettner asked how he will keep the excess water and erosion and runoff from his property. Elsing stated they are not changing the elevation at the lot line on the south side of the property and will be placing retaining walls.

Allen spoke of condition D stating that the construction shall not increase water runoff onto the neighbors property.

Kettner spoke of the original permit being exceeded, clearing, doing more excavation, and as was testified to earlier, and the board needs to make sure that he is adhering to the limitation of the permit to being-with. Elsing stated his intent was to do small pieces at a time so that the entire lot would not be open and the area by the water would be stabilized.

Kettner asked how much excavation was done prior to those rains. Elsing stated none of it was. Kettner verified there is the ability to create erosion due to the amount of ground opened up. They continued to discuss the silt fencing.

Steve Sorenson, appearing as interest may appear, requested that several detention ponds and rain gardens being incorporated in several places on the property to address water runoff, he asked for the trees within the 35 foot buffer plan being replanted, more than what is already proposed. He also asked for the grading project to be seeded, stabilized and established by September 15th, controlling the water runoff and any water that enters on this site, the applicant should be able to go through detention ponds and direct it only through his lot to keep the water off of the neighbors property.

Elsing, reappearing, stated he can work with the one retention pond that is being built, that is located at about the 40 foot elevation on the lot line which should catch a large majority of the water, he also

stated that they will do a rain garden along the property line near the boathouse, agreed to a rain garden on the northeast side of the boathouse, and assure them that they would take care of all water that may go onto the neighbors property with rain gardens. He did not agree to planting trees in the 35 foot area near the shoreline.

Kettner stated that the applicant needs to formalize the plan for ponds and water gardens to be provided to and approved by Planning and Zoning.

Elsing stated he has the approval from the Town of Prairie du Sac and will provide after the meeting.

Sorenson, reappearing. Allen asked about the tree planting. Sorenson stated he would like trees or vines buffering the retaining walls near the shoreline in place of replanting of trees. He also asked Elsing to address the September 15th date.

Elsing asked for verification on the stabilization of the lot by September 15th. Elsing stated he will try and if the work is not done by the 15th, they will wrap it up and not continue with any work until the spring.

Lernerz, reappearing. Kettner asked if he had any other concerns he wishes to address with the board. Lernerz stated he has concerns with those putting up retaining walls and how much experience and knowledge do they have and if they have been engineered properly due to the incredible slope. He stated that the ravine went through where the boathouse is now located, so when that was put in, it did redirect the water.

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

Motion by Allen, seconded by Netzinger, to the special exception permit request to authorize the filling and grading of within 300 feet of Lake Wisconsin for the purpose of construction and landscaping of a new residence, with the conditions recommended by Conservation, Planning and Zoning including the added conditions testified by Steve Sorenson, and strict emphasis that the construction shall commence by September 15th and stabilized properly to the approval of Planning and Zoning. **Motion carried 3-0.**

- B. Robert Beige, requesting a special exception permit and a variance pursuant to s.7.10(2)(b)10 to authorize the location and operation of a proposed kennel within 1000 feet of neighbors' residences.

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 the distance of the closest neighbor to the kennel. Lorenz stated the closest neighbor is across the road and the residence is approximately 150-200 yards back from the road to the existing kennel.

Bob Biege, applicant, appearing in favor of the request, stated that the purpose of the facility is not necessarily a kennel, although it fits under this area. He stated that the previous use of the facility was a training center prior to his purchase. They will be providing an all purpose facility, to provide

grooming services, doggy day care, continuing the training facilities, as well as boarding. He addressed the need in Baraboo for the services and the lack of licensing the animal, as well as educating the owners for the need of licensing as well as keeping up to date on shots. He spoke of a feasibility study that was done for the needed services and other research prior to starting this process.

Kettner asked how far the building is from the road. Biege stated that the structure is approximately 150-200 yards from the road. He also spoke of speaking to all of the neighbors.

Kettner asked about the eye-sore of the property as referred to in the application. Biege stated that the property was left without upkeep for the last 14 months, in which they have cleaned up.

Kettner asked about the numbers of pets to be boarded. Biege stated he feels around 10 or 20 at a time.

Kettner asked about the overnight accommodations and if they will be kept inside or if they will have access to an outside fenced area. Biege stated that during the day they will be allowed to be outside for exercise. However, they will not be left outside overnight. He also noted there is a gun range located next to them as well. He followed up with a signature from all neighbors stating that they are in favor of the dog service facility. He provided the letters from the neighbors, being Exhibit VIII,1.

Netzinger spoke of a variance and the requirements for approval. Biege spoke of the requirements.

Randy Puttkamer, Supervisor and Plan Commission member for Town of Baraboo, stated that the applicant attended the town meetings and they addressed all concerns that the town had, as well as assuring them that all neighbors had been contacted and approved of the facility, and it was approved unanimously by the Town.

Steve Sorenson, appearing as interest may appear, read from the Sauk County ordinance relating to the kennels and he spoke of the residences located within the 1000 feet to verify whether the neighbors approve of the use and location of the facility.

Kettner spoke of its important that public interest is protected and he verified that all neighbors have agreed to the use and location of the facility.

Sorenson explained the process that has been done thus far, as well as no complaints to the Department about the proposed facility.

Kettner spoke of the public interest being protected, but it seems they are also being served.

Netzinger spoke of the need and if is approved, should there be a limit at how many dogs can be boarded overnight. Sorenson stated that if there is an issue or complaints, he would get notified.

Biege, reappearing.

Netzinger asked expansion. Biege stated he had an engineer look at the property and how large of a facility they would need for a certain number of dogs and doesn't feel they could ever get beyond the large numbers board members threw out.

Kettner asked about the house on the property and who would be living there. Biege stated that the persons that would live in the house is the one who will manage and help run the facility.

Sorenson, reappearing, spoke of variance standards and that the variance is regarding the setback distance and has letters from all neighbors.

Lorenz, reappearing, stated that the board needs to make a determination on whether this is an area variance or a use variance.

Puttkamer, reappearing, talked about the number of kennels, in the application he specifies up to 25 kennels, which is what the Town based their decision on and does not feel that the applicant intends to kennel a large numbers of dogs at one time. He also spoke of the comprehensive plan and the surrounding property being quarries and the City of Baraboo landfill.

Seeing as no one else wished to speak Acting Chair Kettner closed the public portion of the meeting at 10:50 a.m.

Netzinger stated he feels this is an area variance and he has already met the setback requirement in getting approval from all neighbors within 1000 feet. He also stated the previous use was a dog training facility and is proposing to expand into something that is needed by the community. He feels he met the hardship requirement and is within the public interest.

Kettner stated that the property limitation is that it is an existing building already unable to be more than 1,000 feet of each neighbor.

Netzinger spoke of the research done to make their request and did a good job.

Kettner spoke of a nuisance somewhere down the line, however, it seems the applicant has taken those steps to address neighbors.

Allen agrees with many statements that Netzinger made and feels it is a good thing and is in favor of the variance and special exception permit.

Kettner feels the property limitations are the size of the property itself and the large setback requirement and feels that he has overcome the hardship issues by speaking to and getting approval from every neighbor within 1000 feet and more. He also feels that the applicant has done a good job at addressing public interest.

Motion by Kettner, seconded by Netzinger, to approve the special exception permit and area variance to authorized the location and operation of a kennel with the conditions recommended by Conservation, Planning and Zoning. **Motion carried 3-0.**

Motion by Netzinger, seconded by Allen to adjourn. **Motion carried 3-0.**

Meeting adjourned at 11:18 p.m.

Respectfully submitted,

Henry Netzinger, Secretary

