

SAUK COUNTY BOARD OF ADJUSTMENT  
January 30, 2014 Session of the Board

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

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 and 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 30, 2014 session of the Board on a motion by Netzinger, seconded by Kettner. **Motion carried, 5-0.**

Motion by Netzinger, seconded by White, to adopt the minutes from the October 2013 Board meeting. **Motion carried 5-0.**

Motion by White, seconded by Kettner, to approve the attendance of Ladas, Netzinger, and Kettner at BOA training in Stoughton on December 3, 2013.

COMMUNICATIONS:

White stated she received several phone calls regarding the Dellona Bed and Breakfast and referred all callers to come to the hearing or contact CPZ. She also stated she received a phone call from Dorothy Harms regarding procedures for the BOA.

No other communications.

Appearance by Corporation Counsel to review procedures regarding granting or denial of special exception permits. Alene Bolin appeared and explained that if there is a motion on the table to approve or deny a permit and if the motion fails due to less than majority vote, the Board has to do another motion to approve or deny the permit. Due to a motion failing for lack of majority, it does not mean a special exception permit is approved or denied, another motion will have to be done. There has to be some sort of affirmative vote to deny or approve.

## APPEALS:

A. Bluffview Center of Hope, Inc. (SP-01-14), requesting a special exception permit to authorize the location and operation of an existing church.

Dave Lorenz, Environmental Zoning Technician, appeared, reviewing the staff report, provided a brief history and background of the property and description of the request, 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 the lot across the road and if it is included in this permit. Lorenz stated they do want it included in the permit and intend to possibly use as parking or playground equipment and would be considered another parcel under the ownership of the church.

White asked if both could come under the same permit request. Lorenz stated they could as the reference number is under General Provisions in the Ordinance.

White asked if it was a single family home at some time. Lorenz stated he believes it was an office for the subdivision and they simply changed the use.

Kettner asked if this property is currently on the tax rolls. Lorenz stated he isn't sure and believes the church just acquired the property, but is not sure and refers the question to the applicant.

White stated it is unknown how long they've owned the property but operating there for 10 years.

Kettner asked about the proposal to build a steeple. Lorenz stated there is nothing in the zoning ordinance that deals with noise.

Ladas asked what prompted the church asking for the special exception permit. Lorenz explained it was when they applied for a sign.

Kettner asked about the enlargement of the church facility and the needs of a septic system. Lorenz stated he believes it is connected to the large septic system for the entire Bluffview Complex and is not a separate septic system.

Pastor Regi Licht, Applicant, appearing in favor of the request, stated they were sharing the building with the owners of Bluffview which was also being used as the office building and would use it for church programs on Wednesdays and Sunday. He stated they purchased the building on land contract 2 years ago and just this year they were able to finance the property. The vacant lot is currently being used as a soccer field and will continue to use it as such and for possible future parking.

White asked on the application is lists the Pastor as the property owner. Licht stated the owner is Bluffview Center of Hope Inc.

Kettner asked if the property is currently on the tax role. Licht stated it has been exempt since 2012 from property tax.

Kettner asked if there has been any modifications such as the need of sprinklers, fire exists, etc., or being inspected for the purpose it is being used as. Licht stated he doesn't believe so.

Kettner asked where the parking is for people using the building. Licht stated there is parking in front and to the south. Kettner verified it is off street parking.

White asked how many cars they have room for in their parking lot. Licht stated approximately 15. White verified that is adequate. Licht stated it is.

Kettner asked about bells or speakers or noise amplification devices being added. Licht stated they will add a steeple to designate the building as a church and no speakers or bells are being considered at this time.

Netzinger asked what the total height of the steeple will be. Licht stated it will be approximately 15 feet from the top of the roof.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 9:30 a.m.

Motion by Allen, seconded by Netzinger, to approve the special exception permit to authorize the location and operation of an existing church with the conditions recommended by Conservation, Planning and Zoning. **Motion carried 5-0.**

B. Travis Lukens (SP-02-14) requesting a special exception permit to authorize filling and grading within 300 feet of Lake Wisconsin and a variance to replace a boathouse on slopes of more than 20%.

Dave Lorenz, Environmental Zoning Technician, appeared, reviewing the staff report, provided a brief history and background of the property and description of the request, 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 the application stating the structure is "in need of major structural repair" and asked if he can confirm that. Lorenz stated he can't confirm that, but understands that the boathouse is too small to utilize for their current water skiing equipment.

White also asked the amount of shoreland owned and if the size of the proposed boathouse meets the ordinance. Lorenz confirmed.

Kettner asked what the current size of the boathouse is. Lorenz stated the dimensions are not provided in the application and referred to the applicant/agent.

Kettner asked if the boathouse would be rebuild in the same footprint at the same size would the applicant still need a variance. Lorenz stated he doesn't believe so.

Kettner verified that the variance comes into play because they are enlarging the structure. Lorenz stated that is correct.

Ladas asked if this ordinance was in force in 1987, how were they allowed to build the boathouse without coming to the BOA. Lorenz stated it should have come to the BOA at that time, but can't speak to why it did not.

White spoke of the difference between repairs and rebuilding. She also spoke of a period of time when the Department was very inconsistent with what they permitted and what they chose to bring in front of the Board.

White asked if a variance is not granted, has the applicant provided anything in their plans for the filling and grading. Lorenz stated they have and it is shown on Exhibit II,6 which is the proposed plan for filling and grading, retaining walls and plantings.

White stated there is no elevations on this plan where there is going to be excavation for the retaining walls and if there will still remain slopes of more than 20%. Lorenz explained that he believes there will be, however he feels they are trying to get to less than 20% slopes to gain access to the shoreline.

Ladas asked if the Board granted the filling and grading, there would still be slopes of 20% or would it change that the variance would no longer be necessary. Lorenz explained. Ladas is concerned if they grant the special exception permit the slopes will be reduced to less than 20%.

Craig Meister, Agent/Contractor, appearing in favor for the applicant, stated that the applicant runs a non-profit ski program and take people with disabilities and teach and assist them in enjoying water sports. The boathouse is too small and has a dirt floor and the lower portion of the walls are rotting. The size of the boathouse would be 14-22 to fit the ski boat and equipment used. He spoke of the construction of the proposed boathouse and would be getting into slopes over 20% and the retaining walls and landscaping will off to the side and plan to make the slopes more gradual to allow for handicap access and the ability to prep his clients for the water.

White explained the standards for a special exception permit that needed to be addressed.

Meister stated the shoreline is in good shape and will have no work done at the ordinary high water mark and will access the property from the north gravel drive with the bulldozer. Material will be hauled out and then hauled back in, as there is no room to store soil on site.

White asked about Exhibit II,6, and how much of this area will be over 20% when they are completed to the specs of the plan. Meister stated the one side of the boathouse will be less than 20%, but the other side would be over 20%.

White asked if the plans could change to allow for the retaining walls to the north so as not needing a variance. Meister stated it would be very difficult to do so.

Kettner asked how the slopes would be held with the walls of the boathouse. Meister presented Exhibit VIII, 1, plans for the boathouse.

White then addressed the variance and spoke of the 3 criteria that must be addressed by the applicant to have a variance approved.

Meister stated the public interest is not impacted at all, as the one neighbor is WP&L, he has close to 200 feet of frontage, the slope towards the lake will not change and will be lessened by the retaining walls.

White asked about unique property limitations.

Meister stated the main limitations would be the slope of the property and not be able to expand the boathouse to a useable size.

White asked about a hardship and explained it cannot be self created, financial in nature.

Meister stated the hardship is that there is an existing boathouse that is not usable. It needs to be repaired and the bottom part needs to be repaired due to erosion.

White asked how having a smaller boathouse a hardship. Meister stated that when he puts his boat in the boathouse he has 2 ½ feet on each side and right now he is storing his water equipment in a shed 150 feet up the hill and transporting that back and forth is a hardship when you have a boathouse to store it in and believes what he is asking for is not extreme.

Kettner asked about the construction of the boathouse if there is a flat roof and a deck on top and if a railing is proposed. Meister stated the plans show the walk in door on the wrong side of the boathouse and the height of the rear wall and how much siding exposed is unknown at this time.

Kettner verified there is a railing and if there is a deck on the roof. Meister stated he understands you are not supposed to use them as a deck, but there is a railing on the boathouse and everyone uses it for a deck, but all he can do is tell the owner you can't use it for a deck.

Kettner stated the old boathouse has a sloped roof and has a lower profile than the new building would have with a flat roof. Meister stated the overall height is limited so to gain more storage inside they go with a flat roof.

White stated she is struggling with a variance hardship, as the testimony provided is a man made hardship and while the use is noble, it is not a definition of a hardship and advised Meister they have to meet all 3 qualifications to grant the variance.

Kettner asked if the variance is granted what plan B is. Meister stated they don't have a plan B on the boathouse. He said it would need to be repaired and if they put it back in the same footprint, they are still disturbing the 20% slope.

Netzinger asked about the surrounding lots in the area and if they are equal to this or more flat. Meister stated he feels the slopes are pretty consistent with the surrounding lots.

Netzinger asked if there are boathouses on surrounding lake front properties. Meister stated that across the lake there are significant sized boathouses.

Kettner asked if there are any retaining walls on the property. Meister stated there is not.

Kettner asked if you follow the landscaping plan it would be terraced down. Meister stated that it would be terraced down and the retaining walls would be built no higher than 4 feet tall.

Kettner stated they have turf grass running right down to the shore and asked if more natural vegetation could go in there to address run off into the lake. Meister stated they could incorporate it, although not desired, they could do it but would need to maintain enough room for access to the water.

Netzinger addressed the total elevation change from the house to the lake appears to be a 9 foot drop, referring to Exhibit V,2, and asked if that was correct. Meister stated that was correct.

White stated you could change the topography to go less than 20% if you change where the slope comes at the top of the boathouse.

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

White spoke of the 3 criteria for granting a variance request. She suggested the Board review the special exception permit first. She stated there is a plan for the filling and grading and landscaping and retaining walls and feels she is in favor of the special exception permit.

Kettner stated that after reviewing the plan and listening to the testimony, he has some concern with the turf grass being not enough to take care of runoff into the lake, but is satisfied that it will be monitored and taken care of.

Allen feels that when the project is completed it will be a better situation than it is now. He doesn't feel the turf grass would be an issue, but suggested requesting that something be added to the plan to address that.

Netzinger feels along the shoreline a deeper rooted planting would be more adequate. He also feels that the plan provided would help with runoff and while elevations are not provided he doesn't feel the elevation is that great.

Ladas stated he is torn with the fact that there is a large area with a fire pit and paver and will make a patio near the water and feels they would have less run off and would be compatible with everything else.

White asked for Lorenz to reappear. White asked about natural stone versus pavers and if they count as a natural stone. Lorenz stated they do count as natural. He also addressed the deck on top of a boathouse and stated there is nothing in the ordinance that doesn't allow a deck on the boathouse.

White suggested that if the special exception permit is approved, any changes to the plan provided would need to be approved by Conservation Planning and Zoning.

Motion by Allen, seconded by Netzinger, to approve the special exception request to authorize the filling and grading within 300 feet of Lake Wisconsin with the recommended conditions by Conservation Planning and Zoning. **Motion carried 5-0.**

White asked the Board to speak to the variance and review the 3 criteria.

The board reopened for further testimony.

Meister reappearing.

Kettner asked about an elevation of 784.5 at the top near a road and down at the bottom is an elevation of 775, looking at 8 or 9 feet and what is the distance from the top elevation to the bottom elevation. Meister stated he is guessing it is about 66 feet.

Testimony was closed again at 10:20 a.m.

Ladas commends them what they want to do with the property, there was not an unnecessary hardship provided for the need to for larger boathouse. He feels it may need to be repaired, but to simply make it larger, it is not an unnecessary hardship, but a convenience due to using more than one place to store equipment. He also stated that the other properties around them have similar slopes so it would not be unique to the property and would not meet that criteria. He concluded by stating that the business and service the applicant is providing is good for public interest.

Netzinger feels public interest is served very well, he stated that neighboring properties have similar slopes to this property. He feels the boathouse needs to be replaced in his opinion and with a new structure, but not necessarily expanding the structure. He did not address hardship and feels they should just change their slope and then not need a variance.

Allen stated he feels the hardship is the slope and feels the public interest is satisfied and feels replacing the boathouse should be big enough to serve your needs now. Allen feels the slope also makes it unique.

Kettner stated that the unnecessary hardship is not making the changes for the people that they will be serving with these facilities. He feels public interest is protect and feels the turf grass should be replaced. He stated the unique property limitations are the slope and feels that all 3 criteria have been met.

White stated that the public interest is served with this request. She does not see the property being unique compared to the ones around it, as they all have the slopes. She reviewed the definition of a variance in the ordinance. She does not see wanting a boathouse or having a larger boathouse as a hardship. She stated she also feels this could be done with some adjusting under the other permit for filling and grading and then they would not need a variance.

Motion by Allen, seconded by Netzingner , to grant a variance request to replace a boathouse on slopes of more than 20%. **Motion failed 1-4 with White, Kettner, Netzingner and Ladas in opposition.**

Motion by White, seconded by Ladas, to deny the variance request to replace a boathouse on slopes of more than 20% due to not meeting the 3 criteria necessary for a variance. **Motion carried 4-1 with Allen in opposition.**

C. Dorothy Harms (SP-03-14) requesting a special exception permit to authorize the location and operation of a proposed bed and breakfast establishment.

Dave Lorenz, Environmental Zoning Technician, appeared, reviewing the staff report, provided a brief history and background of the property and description of the request, 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 where the one acre is that was rezoned. Lorenz stated it surrounds the house and the other outbuildings as well.

White asked if this activity would be limited to the house as it is now. Lorenz stated that is correct and have not received any plans for expansion.

Dorothy Harms, Applicant, appearing in favor of the request, stated they wish to operate a farm bed and breakfast in a rural setting on a century farm and reside in a 4 bedroom home and plan to provide 3 bedrooms for rent and focus on families with and without children. She explained the opportunities in at the residence for guests. She stated being an operating farm they can educate guests on agriculture and the farm. She does not anticipate an increase of local traffic and it will be their policy not to allow hunting or recreational vehicles for their guests. She also spoke of liability insurance for the bed and breakfast and the sanitary requirements. She then spoke of the process she has gone through with the county with the rewrite of the zoning ordinance and such.



White asked Harms to explain what a Century farm is. Harms explained that the farm has been in the Harms family for over 100 years and gave more detail on the ownership of the farm property.

White asked the number of the days of the year they would operate. Harms stated it is available all 12 months, but more realistically April through September.

White asked about the farm being an operating dairy farm. Harms stated they are and confirmed that the farm buildings will not be converted and will use what they currently have.

White asked if the animals and such will be open to the guests. Harms stated they will be but by appointment only for their own safety.

Kettner stated there will not be any tents, campers or rv's. Harms stated there will not.

Kettner asked about handicap accessibility. Harms stated there is handicap access into the home as well as a handicap accessible bathroom on the main floor.

Netzinger asked how many guests. Harms explained the guest bedroom set up and it would be less than 10 at one time.

Kettner verified she will always be present when guests are present. Harms stated that is correct as it is their residence.

Ladas commended the applicant on her plans and testimony.

Kettner stated there is no increase in traffic, trash or noise. Harms stated that the people that come to a bed and breakfast typically aren't the loud noisy trashing kind.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 10:55 a.m.

White spoke of the definition of a bed and breakfast and stated the applicant meets the definition. She feels the property is well cared for and complimented her on the application.

Motion by Ladas, seconded by Kettner, to approve the special exception permit to authorize the location and operation of a proposed bed and breakfast establishment with the conditions recommended by Conservation Planning and Zoning. **Motion carried 5-0.**

The Board recessed for 5 minutes.

The Board reconvened at 11:05 a.m.

D. Thomas Wysocki and Marta Holodniak (SP-04-14) requesting a special exception permit to authorize the location and operation of a bed and breakfast establishment.

Dave Lorenz, Environmental Zoning Technician, appeared, reviewing the staff report, provided a brief history and background of the property and description of the request, 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 stated the home was permitted for a 4 bedroom septic and asked if any permits were issued to add the bedrooms. Lorenz stated there are no permits for additional bedrooms or inspections on the septic.

White asked about residential space added to the garage, but it is not attached to the house. Lorenz stated the garage has to be attached to the house.

White stated that in the past the county has determined it to be 2 residences if it has 2 kitchens, 2 baths and separate entrances. She believes that the way the plans are submitted there is a concern that it would become a multi-family residence.

Ladas asked if these plans have been submitted to Sauk County. Lorenz stated the only plans provided are what is in the packet.

White asked who the owners of the property are. Lorenz stated that there is a Quit Claim Deed transferring property, but is unsure what the actual ownership is. White read the owners of the Quit Claim Deed. Lorenz referred the question to the applicant.

Kettner asked if when the photos and video were taken were the owner there. Lorenz stated he knocks on the door, the owners were not home either time and a rope was across the driveway.

Thomas Wysocki, Applicant, appearing in favor of the request, stated that he and his wife own and operate a family based cleaning business in Reedsburg. He addressed complaints received about his property and requested the Board to allow him to use his private land to make income for their family. He feels the property is good for a bed and breakfast due to the large acreage and is remote, secluded and private.

White asked about the ownership of the property. Wysocki stated the property is owned by his parents, who resided there but do not reside there any longer.

White then spoke of a document showing commentary from a website for the rental of the property from people staying in the home which dates back to December 2012 and verified his parents were renting the house at that time. Wysocki stated his friends and family stayed in the house and wrote reviews for them while they stayed in the house.

White read a review that shows a rental site was used to rent the property. She also said other reviews say they rented the home and questions whether all statements were provided merely by friends and family. She verified his parents rented the house without permits. Wysocki confirmed.

White verified the ownership is just Wysocki and his parents. Wysocki stated he did not purchase the house from his parents, as they are the owners, and he is merely making the mortgage payments instead of them.

Kettner asked Wysocki where he lives. Wysocki stated they live in Reedsburg, but spend time at both locations.

Kettner verified that while the house was being rented out, the applicants were not staying at the residence. Wysocki stated that is correct, that it was operated more like a lodging house.

White verified where the applicant lives. Wysocki stated they share properties and live at both 50/50.

White asked if they will be selling the Reedsburg property. Wysocki stated immediately they will be selling the Reedsburg property.

White asked about income reporting for the property. Wysocki stated he is paying taxes on the income from the property but does not know how much income they receive.

White asked about the operation and guests numbers. Wysocki stated they would rent 3 bedrooms right now.

White asked if there is intent to build more space over the garage. Wysocki stated that for more privacy for the family they will modify the garage into a full separate residence. He stated when no one is visiting they will use the entire home for their family.

Ladas verified that his family is planning on living in the garage modification. Wysocki stated that if the residence is rented, then they will live separately from the renters in the garage.

White asked which home personal belongings will be kept, such as clothing. Wysocki stated they will be everywhere.

White spoke of the negative impacts to the neighborhood and how it's worked in the past with their rental and what the future would be like. Wysocki stated they can do better in the future. He stated that there are a lot of complaints about traffic, but didn't realize there were any problems.

White referred to the information showing they were told in August to stop renting the house out, yet they continued to rent the house out. Wysocki stated they rented because it was too hard to cancel the reservations.

White asked about the house was permitted as a 4 bedroom house and when the 2 other bedrooms were added. Wysocki stated that the house was sold to his parents as a 6 bedroom residence.

White asked about advertising for clients and what source they will use. Wysocki stated that they have their own website for advertising the property but would also go to other sites that advertise for Bed and Breakfast.

White asked who will do the cooking when renters are present. Wysocki stated that he will do the cooking.

Kettner asked when the last rental guests at the home were. Wysocki stated in the fall possibly, but is unsure.

Kettner asked if he went before the Town Board to get approval. Wysocki stated they asked for a lodging house and were denied and then asked for a bed and breakfast permit, which the plan commission approved, but the town board tied on.

White referred to a meeting this month held by the Town Board where they strongly requested that the permit be denied.

White asked about the opposition from the Town. Wysocki stated he has letters supporting the request too.

White asked if any of the letters are from immediate/adjacent land owners. Wysocki stated none of them are close, but about 3 miles away or so.

Kettner asked what day is trash pickup. Wysocki stated they pick up on Friday. Kettner what is done with any trash that accumulates over the weekend with up to possibly 20 people in the house, where does that go. Wysocki stated he picks up trash and recycles and puts it neatly on the road for trash day.

Joe Hasler, Attorney representing applicant, appearing in favor, provided a copy of the statement read by Wysocki. He also provided Exhibit IX,<sup>1</sup> a comparison between the Harms request and this request.

White asked what the one request has to do with the other request. Hasler stated he is just pointing on the zoning.

Ladas also questioned what that has to do with this request.

Hasler then presented Exhibit X,<sup>1</sup> which is a copy of his remarks from today. He also provided Exhibit XI which is a petition in favor of their request from other land owners and also statements from people that the applicants do cleaning services for in Reedsburg, who know them, that will testify to their character.

Hasler confirmed the owners rented the house without the permits necessary to do so and feels if their operation was such a detriment to the community, why were they only sited once for their operation. He stated that the applicants need a permit, which is a bed and breakfast special

exception permit. He addressed the affect on neighbors and stated there wasn't any affect on them while the home was being rented before.

Ladas asked why he is comparing the Harms application to this application and asked Hasler to keep the facts to this request. White agrees and asks Hasler to keep the application.

Hasler then referred to Exhibit X,1, his memorandum to the Board regarding the request. He read the county's requirements to operate a bed and breakfast and stated that the applicant meets all of those criteria.

Kettner asked about the Yauchler case, which was referred to in Mr. Hasler's document, if they have a history of violating the ordinance before they received their permit. Hasler stated he would not know. White stated they did not, as she was on the board at that time.

White stated the permit for Yauchler that was referred to, had the support of the neighborhood and the town. She also felt just because the applicants in this case were cited only once does not mean there was only 1 complaint to the county office or the town or anyone else.

White explained how the Board can make it determination based on each individual case. Hasler agreed.

Hasler then stated that a large packet of information has been provided to the town and the county and referred to Exhibit IV, a list of how the property is titled, which includes his step-father and mother and the applicant. He also referred to page 8, a summary of how the applicants plan to operate the bed and breakfast, a site plan, a plan to start out small, use the lower level bedrooms as quarters, and then use the garage, modify it and attach it to the existing home as the business grows. He also stated that adding a kitchen to the garage was never raised as an issue, and Mr. Sorenson knew the plans and never told them it would be an issue. He then spoke of an inspection report from the Department of Health with minor issues that need to be corrected and possibly increasing the size of the septic, which a plan was provided in the packet to address.

Ladas asked about the licensing application and verified this was a pre-inspection, but the official inspection has not been made. Hasler agreed that this was a pre-inspection.

Ladas is concerned with all the information provided thus far and questioned how it addresses this particular application for the request. Hasler stated he is trying to provide facts and evidence and asked what kind of information the board would like.

Ladas asked for reasons why the Board should approve this specific permit. Hasler reviewed the ordinance and provided information how he feels this request meets the intent of the ordinance or will be able to meet the intent of the ordinance if the permit is granted.

White asked about the septic and how that will be integrated into this. Hasler stated the proposal is an addition to make the two septic systems work together to be in compliance.

Hasler then referred to photographs of the property and its proximity to other residences, photographs of the interior of the property showing suitability to being operated as a bed and breakfast and also spoke of written documents in opposition to the request and feels that written statements don't allow him the opportunity to cross examine and feels they should not be accepted.

Kettner spoke of official complaints and that there are people out there that may have complaints, but not registered an official complaint, and once a meeting can be held, there is an opportunity for more complaints to be registered.

White explained that this is not a meeting where Mr. Hasler would be allowed to cross examine anyone. She also has issues with stating that those in opposition should not be taken into account because they are not here, yet the applicants and Mr. Hasler has asked the Board to take the letters in favor in favor of the request be taken into account. Hasler suggested to take both with a grain of salt and consider the source and consider the arguments being made.

Hasler then spoke of the action taken in the Town of Dellona and the Planning Commission voting 4-1 to approve the activity, the Town then tabled the issue and inquired whether the Town could have a referendum on the issue, in which they met at a later date and voted 2-2 on the issue with no referendum. He then spoke of a meeting held on January 13<sup>th</sup>, in which no one representing the applicant in attendance in which the recommendation from the Town Board to the County is in opposition of the request.

Jack Nedobeck, appearing in favor, spoke of camping on his property without a permit and didn't know he needed one. He also spoke of a shed he built without a permit and didn't know he needed one. He feels that the applicants are trying their best and requests the board to give them a chance.

White asked how far away he lives from the applicants property. Nedobeck stated he lives about 4 miles away from the property.

Marta Holodniak, appearing in favor of the request, stated she is the applicants wife and that she understands how important it is to have a good relationship with the neighbors and in the beginning they did have a good relationship at first, and left their phone number with the neighbors if there are any issues.

White asked what date in November they started moving into the house. Holodniak stated not until the end of December.

White asked about not cancelling a couple of the rental activities at the house. Holodniak stated that there was a lot of space between rentals.

White asked if they were told to stop, why is it ok to keep doing it. Holodniak stated that they wanted the income and the property is expensive. White advised they cannot make their decision based on the mortgage payment.

White asked if the property in Reedsburg has been listed or if they contacted a realtor. Holodniak stated that they have not listed their house or called a realtor until they know if they will get the permit or not.

White spoke of the requirement to be the owners personal residence and the interactions taking place with a normal bed and breakfast, living in a single family residence and the previous testimony stating that they will be separate living areas and not involved in activities and will leave and go into another residential part of the house when there are renters. Holodniak stated that she was always there to check in and show the property and stopping by every one or two days.

Kettner asked where she slept last night. Holodniak stated she slept in Reedsburg and gave the address of the Reedsburg home. Kettner explained his questions and his major concern is that they are not living permanently in the home.

White spoke of conditions associated with granting the permit and one being they can't modify the dwelling and has to be a single family home. White asked if she would be opposed to not modifying the dwelling and having a second kitchen and separate living space for their personal use. Holodniak stated she has problems with having her family intermingled with the guests and would like a kitchenette versus a full kitchen.

Daryl Buettner, appearing in opposition to the request, stated that they removed the house on his property and use their property for recreational purposes, and an apple orchard. He stated his concern is the traffic, the road is very steep and twisty and once you come to the bridge you can't pass 2 cars at the same time, only 1 at a time. The summer time the road is heavily used by farm equipment and in the winter are not passable during snowfalls.

White asked if the property would have more traffic than it does now. Buettner stated it will be increased, especially during the farming months. He stated this road is very narrow and is concerned with the traffic.

White asked if he feels this will set a precedence for other bed and breakfast in the area. Buettner feels this is like a Pandora's box. The Dells area is pushing outward and will increase more and more people trying to do similar things.

Gary Hill, appearing in opposition, stated that starting 6 to 8 months ago, the traffic increased, yet no one knew why and what was happening at the property. He stated all they did was change from a lodging house to a bed and breakfast. He stated there are no nature trails in the area and is only public hunting ground, full of multi-flora rose, and a small creek with no fish – it is not a natural wildlife area, as testified by Mr. Hasler.

Kathy Thronson, appearing in opposition, stated that her property borders their driveway and that her horses are the ones that got loose, something spooked her animals at 2 a.m., she is a single mom and she has 4 horses on the loose, she immediately goes out to get her animals to get them back. She also spoke of other farm animals, where one of their renters deliberately hit one of her chickens and witnessed it. When she went to complain about the issues, there were 10-15

cars at the house that time and Thomas and Marta weren't home and then had an incident with the renters. She spoke of trash and beer bottles in the hay field next to the driveway. She spoke of several other incidents where instead of calling the cops, she waited to talk to Thomas and Marta. If she would have known she had to register an "official" complaint, she would have called the cops. She said she would not have bought her property if there was a bed and breakfast next door.

Kettner asked about talking to the applicants. Thoronson explained.

Robert Giebel, Jr., appearing in opposition, stated he is a supervisor with the Town of Dellona, and spoke of the meetings held in the Town regarding the application. He spoke of a referendum meeting for the school district being held in Wisconsin Dells the same night as one of the meetings at the town level. He spoke of the petition in opposition signed by all the neighbors, as well as others along the road, as well as other township residents. He spoke of the road and traffic and problems, especially when farm machinery is present. He is opposed to this and it is a single family residence. If they remodel a garage to live in or live separately from their guests that does not meet a bed and breakfast operation.

White asked about a statement in the minutes regarding accuracy of statements made previously. Giebel stated that there was questions as to what the applicants were saying. He also spoke of the petition being signed. He said the Town Board is trying to represent the people of his town.

Ladas asked about posting of the meeting at the Town level. Giebel stated there is a standard procedure on how the meetings are posted every time and the posting was the same for the January meeting as it was for all the past meetings. He also explained the tie vote and one member being missing from the meeting that night.

Ladas asked if it was announced at the meeting because of a tie vote that it was not approved. Giebel stated it was.

Paul Bremer, appearing in opposition, stated he is the Town Chair for the Town of Dellona, and spoke of the history of the request, the statements made by the Applicants stating they live in their house full time and don't rent it out. He stated those statements are inaccurate. He then addressed the plan commission meeting and the town board meetings that were held and all meetings were legally posted. He also provided the history of the residence and feels based on evidence shows that the property was purchased and then immediately rented out and doesn't feel the owners ever had any intention on living in the home. He also stated that if two separate residences would be allowed it would be in violation of the zoning, as that would be considered a duplex and multi-residence zoning would be required. He did state that there were more than 1 complaint and they were sited and rented several months after being sited, so the 30 days to cancel seems incorrect. He also stated they are not residing at the property, but in Reedsburg. He then spoke of the petition in opposition include all the neighbors from one end of Oak Hill Lane to the other, as well as other town residents. He again asked the Board of Adjustment to deny the request and respect the rules that the Town of Dellona has regarding short term rentals.



Netzinger asked if there are other bed and breakfasts in the Township. Bremer stated that they have gone on record denying all previous requests for lodging house and bed and breakfasts.

Steve Sorenson, appearing as interest may appear, stated that he has issued the citations on the property and has been working with the applicants, has been to the property a number of times to investigate complaints.

White asked about the difference between and single family house and multifamily house. Sorenson said a plan submitted he feels is single family, even though there are 2 kitchens, and if there was an access separate from the main house would make it a duplex.

Ladas asked about dual kitchens being considered single family. Sorenson stated it only matters where you start separating the house up.

White asked about in a bed and breakfast if the guests stay in the residence with the family and asked if in others they are separate or all together. Sorenson stated that from what he has seen they all stay together.

White asked about the complaints and citations. Sorenson stated he was out in August following up on a complaint and cited the owners at that time.

Ladas asked if they should not consider the plans the applicant provided. Sorenson stated the applicants intend to use what they have now and then build on sometime in the future.

Netzinger asked about the count of the bedrooms. Sorenson stated he understands there are 6 bedrooms in the house today, but he does not know if they are all being used as a bedroom.

Netzinger asked about the floor plan and if it is permitted the septic needs to be addressed. He also asked about living quarters above the garage and if it is a plan now. Sorenson stated that is his understanding.

Holodniak reappearing, stated that maximum cars allowed were 6 because there were 6 bedrooms. She stated that they will rent out 3 bedrooms beginning, at the same time they would like to start working on the addition of the house immediately and the plan is to add 2 bedrooms above the detached garage and attach it to the house and plan to complete the addition by the end of 2014 and plan to start construction immediately.

White asked how many days the property has been rented out. Holodniak stated that it has been rented out almost every weekend.

Nedobeck, reappearing, stated that he feels the applicants are going to be living full time on the property.

White asked about a substantial change in the operation of the township and if you allow one, you have to allow more and asked what kind of change in the township would it cause. Nedobeck stated he couldn't answer the question.

White asked about a township that allows single family homes to another where people are allowed to come in and buy single family homes and change them into a bed and breakfast and if that could change the atmosphere. Nedobeck stated he can see that it would, but isn't opposed to this request.

Lyn Eberle, appearing as interest may appear, stated he is the Town Clerk for the Town of Dellona, Plan Commission member, and Board member of Christmas Mountain Property owners association. He stated that there are problems in Christmas Mountain to keep short term rental and bed and breakfasts out of the complex. Many owners are afraid that if this is allowed it will then open their complex up to the same. He spoke of significant problems in the previous short term rentals that were in Christmas Mountain. The town is now short term rental and bed and breakfast free. He said many purchase as vacation homes and then try to get income from them when they don't use them.

Buettner reappearing, stated the road is called Oak Hill Road and it's a terraced hill and feel his property would be a beautiful place for a home or bed and breakfast, but they put their property in trust with specific instructions that the property would never be used for anything other than nature uses. He believes allowing this request will set a precedent.

Hasler, reappearing in favor, spoke of not being told on the 23<sup>rd</sup> that there would be a meeting on the 13<sup>th</sup>. He also spoke of creating a precedence and feel these are set on a case by case basis so approving this request will not set a precedent and if there are complaints on traffic asked where the traffic counts are and stated there are no reports of evidence of increased traffic from the sheriff's department. He concluded by stating you can't ask the owner to live there now until they decide to allow the use.

Thronson, reappearing in opposition, stated that she registered complaints at the town hall meeting.

Linda Hill, appearing in opposition, stated that she agrees with all those in opposition to the request, but no matter where you are from you have to comply with the rules and feels it was purchased with the intent to rent it and it has compounded from one to the other. She is opposed to the bed and breakfast and due to the road and layout of the land, traffic is an issue and spoke of the nature area not being something used a lot. She also spoke of their behavior and does not trust or believe whatever they say they are going to do.

White asked if when the house was first purchased by the owners if they moved into the home. Hill stated she can't answer to that.

Bremer, reappearing in opposition, stated they are a small township, they don't have a lot of money to do traffic counts and as a Board representative, he is there to represent the residents. He also has an issue that owners have often stated they are living there and residing there that this is their residence, but they have both testified that they are not living there permanently.

Hasler, reappearing in favor of the request, stated he is opposed to the statements made by previous people appearing in opposition. He also spoke of setting precedent.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 1:45 p.m.

White spoke of all the statements being made on both sides and there is no evidence on either side and what is looked at is credibility and reality from her perspective. She agrees with Mr. Hasler that one does not create a precedence, but if you look at one site and its suitability versus another, a parallel could be drawn.

Netzinger stated being a bed and breakfast you are required to be living in the house and hopefully if you are living there, the complaints should be a lot less. The county would have to police the area and inspect and assure that what is happening in the home is what is allowed.

Ladas feels that everything that is looked at, the Board always considers what the Town feels and can appreciate where they come from and feels that a bed and breakfast could change the area around them and it seems evident that the Town itself doesn't allow any of them and does not feel the Board should override the Town.

Allen said he respects local government and feels the Board needs to put quite a bit of weight on what the Town wants to do. He feels this appeal represents more of a lodging for people that want to stay in the Dells and doesn't feel they meet the bed and breakfast guidelines.

Kettner stated that his view of a bed and breakfast is different than that of people who would be coming to stay here are there to enjoy the Dells and that does create more traffic on the road. He also spoke of everyone on that road has signed a petition, as well as the Town Board being opposed to it. He spoke of past issues with the property and feels the neighbors and the Town is also concerned because of it. He is opposed to the request because of it.

White spoke of the exhibit provided by Mr. Hasler and spoke of the intent of single family residential for a bed and breakfast and feel the way the request was presented it doesn't fit that. She referred more to the Exhibit provided by Mr. Hasler relating to the ordinance and feels that the changes are substantial enough to affect the neighboring properties. She spoke about county staff having to constantly check the number of people staying in the home. She doesn't feel that making a major change in a Township is something she can support and spoke of setting a precedence.

Motion by White, seconded by Ladas, to deny the special exception permit to authorize the location and operation of a proposed bed and breakfast establishment. **Motion carried 5-0.**

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

Meeting adjourned at 1:55 p.m.

Respectfully submitted, Henry Netzinger, Secretary

DRAFT