

SAUK COUNTY BOARD OF ADJUSTMENT
March 27, 2014 Session of the Board

PRESENT: Henry Netzing, Acting Chair
David Allen
Nicholas Ladas
Dave Wernecke, Alternate
Ron Lestikow, Alternate

ABSENT: Linda White, Chair
Dan Kettner, Vice Chair

STAFF PRESENT: Dave Lorenz
Gina Templin

OTHERS PRESENT: See Registration slips

Acting Chair Netzing called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:00 A.M. The Acting 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 Board adopted the agenda for the March 27, 2014 session of the Board on a motion by Allen, seconded by Ladas. **Motion carried, 5-0.**

The Board adopted the minutes for the January 2014 session of the Board on a motion by Ladas, seconded by Netzing. **Motion carried, 4-0 with Wernecke abstaining.**

COMMUNICATIONS: None.

APPEALS:

A. Clarence & Eli Borntrager (SP-05-14), requesting a special exception permit to authorize the location and operation of an auction barn and an agricultural related auction service.

Wernecke asked if Lorenz viewed the area where parking would be. Lorenz stated he did not go back further on the property to view parking area.

Ladas asked about noticing the traffic on Highway 58 while he was onsite. Lorenz stated at the times he was there, it was very light.

Lestikow asked about the Town's concern for parking off of Highway 58 and how much area is allowed for parking. Lorenz referred to the CSM and stated they own 32 acres.

Lestikow asked if the applicant put in the tracking pad in the driveway to keep mud from being transferred on the road. Lorenz stated he is unaware if they have installed anything for the driveway.

Clarence Borntrager, Applicant, appearing in favor of the request, stated that the tracking pad is scheduled to be installed today by Zobels. He stated that his son is taking over the farm this afternoon so the permit shall be in both of their names. He spoke of the parking and stated they have room, but are unsure where it will be located and the commercial items will be sold in the commercial zoning district and the agricultural items will be sold on the agricultural zoned area. He confirmed that there will be 4 auctions a year.

Allen asked about the purchase of the farm by his son. Borntrager confirmed.

Wernecke asked about the field provided for parking, but he stated he doesn't want to be responsible for anyone that parks on the highway. Borntrager stated they will have parking attendants that will keep people off the highway and they will place no parking signs along the highway.

Wernecke confirmed only 4 auctions per year. Borntrager stated that is correct and if they wanted to hold more they would request another permit.

Wernecke asked the applicant to describe the map and where the agricultural auction will take place. Borntrager explained where the items to be sold will be, using Exhibit II,3.

Netzinger asked about the track. Borntrager explained where it will be.

Ladas asked about the letter of explanation referring to no parking signs on the highway and the people directing traffic and confirmed that if someone does park on the highway, they don't to be responsible.

Lestikow confirmed that he is saying he doesn't want to be responsible for anything that may happen to any vehicles on the highway. Borntrager stated that is correct.

Bev Vaillancourt, Town of LaValle Chair, appearing in favor of the request, stated that the Plan Commission reviewed the application and expressed a number of concerns and feels they have been dealt with, outside of the parking. She expressed the concern that cars will not be parking on Highway 58 and have been told that they expect over 200 cars. She requested that the no parking signs are checked for placement so that they are in the correct place. She also spoke of the mud being brought on the road and asked the Board to address those two issues very carefully.

Wernecke asked about the tracking pad being installed from the road the full length of the driveway. Vaillancourt stated she is unsure and questioned the width with vehicles coming and in and out of the drive.

Wernecke asked about the circular area of the driveway and to determine that it will be effective.

Lestikow asked about the previous auctions and if there were issues. Vaillancourt referred that question to planning and zoning.

Ladas stated he has high regard for the Plan Commission and they stated absolutely no parking on Highway 58 and asked if the Plan Commission is satisfied that this will be guaranteed. Vaillancourt stated they can only provide a recommendation and hope that whoever is in charge of enforcing the conditions, do so.

Ladas asked about the petitioner hiring a part time LaValle officer to be there to enforce. Vaillancourt stated she didn't feel the Plan Commission could request that.

Wernecke asked to hear from Lorenz.

Lorenz reappearing.

Wernecke asked about the recommendations provided by staff and the hours of operations. Lorenz stated it has been presented to limit to 4 auctions.

Wernecke asked about the tracking pad and where that extends to, the width of the drive going to the parking lot and the circular area. Lorenz spoke of the existing drive near the horse and cattle ring and a driveway that goes up to service the other house and when viewing he could not tell how much was gravel versus through the grass/dirt. However, according to the site plan submitted, the track would go up to the 6 acre parking lot near the existing white house to the south and circling around back to the main access point.

Wernecke asked if the tracking pad would cover the entire circle. Lorenz stated that is not specified, as the Town simply asked for it to be installed and did not give any suggestion as to the length and width.

Wernecke asked how difficult it will be to keep the mud off the driveway. Lorenz stated it will be depend on the weather. He also stated there is nothing in the ordinance that refers to what a tracking pad needs to be.

Wernecke suggested that because it is a state highway, it should be built to take care of the worst weather. Lorenz suggested having equipment on hand to immediately scrape it off the road if it happens.

Netzinger stated if people park in the road if they put up signs and ask them to park elsewhere, does that meet the condition of no parking on the road. Lorenz felt it would.

Wernecke spoke of the Department recommendations referring to off street parking and the tracking pad, and leaving it up to the applicant to make sure those recommendations are met. Lorenz stated that was correct.

Borntrager, reappearing.

Netzinger asked about the mud being tracked onto the highway and if they would have equipment to remove mud from the road. Borntrager stated they would remove it immediately. He stated the tracking pad to the road is 300 feet.

Wernecke referred to the drawing provided, if the tracking pad goes all the way around the circle. Borntrager stated they ordered 2 loads and it would be placed around the parking lot and would direct people to go around the tracking pad before they go to the road.

Wernecke asked about the rest of the driveway. Borntrager stated he isn't concerned about the driveway.

Wernecke suggested the tracking pad be near where the road is. Borntrager stated he prefers they lose the mud near the buildings instead.

Wernecke asked what material the driveway is. Borntrager stated the driveway is gravel.

Lestikow spoke of the tracking pad and the length of the driveway and if mud is tracked onto the road, it will be immediately cleaned up.

Marty Krueger, County Board Chair, appearing as interest may appear representing the Board of Supervisors, stated the county is not looking to create business for the Sheriff's Department and encouraged the Board to state that it is the responsibility of the applicant to make sure there is no parking on State Highway 58 and if it is not followed that it is reason to have this permit be revoked.

Seeing as no one else wished to appear, Acting Chair Netzinger closed the public portion of the meeting at approximately at 9:45 a.m.

Netzinger spoke of the signage and people on the road for traffic control.

Allen stated if someone parks where they are not supposed to then calls should be made to the Sheriff's Department. If someone doesn't listen to them, then it is up to the Sheriff's Department to handle and feels that is their job. He also stated mud will get on the road and they agreed to clean it up.

Wernecke felt the written plan attempts to exempt them from people parking on the road and who is responsible for the expense of people parking on the road. He stated the Town made it very clear that they want cars kept off the highway and it goes back to the responsibility of the applicant of making that happen.

Lestikow stated if the applicant is having an auction, the auctioneer would make announcements stating if people parked on the road they will get a ticket and feels there is not an issue, but if it is a problem, due to the recommendations, they risk losing their permit.

Ladas has an issue with the applicant not wanting to take responsibility for anyone parking on the highway. He feels they need to understand that it is their responsibility the way the permit is written.

Netzinger referred to the permit being issued to the applicants, not just the owner, so that will cover the sale of the farm to the owner's son. He also addressed the fact that the applicants have advertised a sale on April 2nd.

Motion by Allen, seconded by Ladas, to approve the special exception permit to authorize the location and operation of an auction barn and an agricultural related auction service, with the correction of the permit being granted to the applicants and not owners, and with the conditions recommended by Conservation, Planning & Zoning. **Motion carried 5-0.**

Netzinger advise the applicants that they need the permits and decision letter in hand prior to them holding their first auction, which is scheduled on April 2nd.

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

Respectfully submitted,

Henry Netzinger, Secretary