

1 SAUK COUNTY BOARD OF ADJUSTMENT

2 August 28, 2014 Session of the Board

3  
4 PRESENT: Linda White, Chair  
5 Dan Kettner, Vice Chair  
6 David Allen  
7 Henry Netzing  
8 Nick Ladas  
9

10 ABSENT: None

11  
12 STAFF PRESENT: Dave Lorenz  
13 Gina Templin  
14

15 OTHERS PRESENT: See Registration slips

16  
17 Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at  
18 approximately 9:00 A.M. The Chair introduced the members of the Board, explained the  
19 procedures and the order of business for the day. The staff certified that the legally required  
20 notices had been provided for the scheduled public hearing. The certification of notice was  
21 accepted on a motion by Allen, seconded by Netzing. **Motion carried, 5-0.**  
22

23 The Board adopted the agenda for the August 28, 2014 session of the Board on a motion by  
24 Kettner, seconded by Allen. **Motion carried, 5-0.**  
25

26 The Board adopted the minutes from the July 31, 2014 session of the Board on a motion by  
27 Ladas, seconded by Netzing. **Motion carried 4-0 with White abstaining.**  
28

29 COMMUNICATIONS: None.  
30

31 APPEALS:

32  
33 A. Gerald Wittmann (SP-12-14) requesting a variance to create a new lot with existing  
34 buildings housing livestock within the minimum required setback to property lines.  
35

36 Dave Lorenz, appeared and gave a brief history and background of the property, as well as  
37 reviewing photos and a video of the site. He then recommended conditions to be placed on the  
38 appeal if the request were approved.  
39

40 White asked about the concrete shown in the video and if that was where the new building was  
41 going. Lorenz was unsure and deferred the question to the applicant.  
42

43 Ladas asked about the property and everything is in complete compliance and the variance is  
44 only required if the CSM is allowed. Lorenz stated that is correct.  
45

Ladas asked about any natural impediments requiring the csm to be drawn in this fashion.  
Lorenz stated the only slope is between the buildings and the road.

White asked about which setback line is requiring the variance. Lorenz explained the setback for the building housing livestock.

Robert Wittmann, representing applicant, appearing in favor of the appeal, spoke of the history of the farm and the reason for the request. He explained the CSM process, the building of the structures, the sale of the land and purchasing of equipment. He also explained that the concrete shown on the video is to go with the milking parlor.

White asked how many animals it will house and if it will expand. Wittmann stated it will house 150 and he would be able to expand in the future and double the size to the west. White asked if the expansion will need a variance as well. Wittmann stated in the future he would like to be the owner of the entire property.

White asked about other options researched. Wittmann explained the options looked into and the issues he ran into.

Ladas asked about this being an area variance. White stated this is an area variance.

Wittmann spoke of the terrain of the property and the only place to build the new building is where the flattest spot is located.

White asked about the arability program. Wittmann explained.

White asked about the selection of the shape and border lines of the parcel of the csm. Wittmann explained that the lines went through the buildings and allowed for road access.

White asked if it will have a separate road access or use the existing access. Wittmann stated it will use the existing access to the highway, but would have additional access if ever needed.

Gerald Wittmann, applicant, appearing in favor of the request, spoke of the process of the farm and splitting off the farm, as well as the grant and the options that were looked into besides doing the CSM.

White asked if there is only one house on the property. Wittmann stated there is only one house on the side where this barn is located.

White asked if there are any other plans to build any other homes on the farm. Wittmann stated there are not.

Kettner stated for all purposes this is a temporary type of situation. Wittmann confirmed.

Netzinger reviewed the timeline. Wittmann confirmed.

92 White asked about the legal requirements of the grant and the ownership requirements.

93 Wittmann explained that the two sons are involved and Robert will hold 51% interest in the  
94 property.

96 White asked about future stipulations. Wittmann stated he would have no issues with  
97 limitations.

99 Robert Wittmann, reappearing in favor, spoke of the changes in the grant and explained the  
100 process.

102 Dave Lorenz, reappearing.

104 White asked if they would be able to remove the CSM lines down the road. Lorenz explained  
105 there would be ways to put this all back together.

107 White asked about a variance and the appeals process.

109 Robert Wittmann, reappearing, referred to Exhibit IV,2, the letter speaking of a manure structure,  
110 and stated there is no manure structure and stated that he thinks the concerned citizen may think  
111 that the concrete structure and earth may be one, but it is not.

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

116 Netzinger feels that the hardship is the building was started in good faith with a contract with the  
117 government and then they changed the rules in the middle of it, as well as the applicant having a  
118 disability and this will allow him to continue farming.

120 White spoke of options on approving the variance. White feels it serves many purposes that the  
121 Board is trying to support in the county when it comes to farming and businesses and family.  
122 Compliance with the ordinance produces a hardship because the government changed the rules.  
123 It is unique due to the program and it also does what the ordinance supports for the neighborhood  
124 so she feels it qualifies for the variance.

126 Kettner agrees with White and feels an unnecessary hardship agrees in that he has a permitted  
127 purpose in place and by not granting the variance, he would be prevented in using it for that  
128 permitted purpose. The property limitations exist and it is more harm to the public interesting in  
129 the farming with not allowing this.

131 Allen agrees, however he understands you can use the financial issues in a hardship.

133 Netzinger agrees that a hardship exists and a unique situation exists due to the grant opportunity  
134 and the government changing the rules in the middle of the process. He also spoke of the  
135 farming and using up the farm land wisely and the proposed csm addresses the farm operations  
136 in the best interest and supports the request.

Ladas agrees that public interest and uniqueness is met, but is having issues with the hardship portion of the variance because in his mind is financial.

Motion by White, seconded by Allen, to approve the variance to create a new lot within the existing buildings housing livestock within the minimum required setback to property lines with the conditions recommended by Conservation Planning and Zoning, as well as building within the 100 foot line within the parcel is confined to Paul, Robert or Gerald Wittmann and no future owners of the property, and the building condition is specifically to farm/animal buildings only, no residential. **Motion carried 4-1 with Ladas in opposition.**

B. Duane Wipperfurth (SP-13-14) requesting a special exception permit to authorize filling and grading within 300 feet of Lake Wisconsin during the landscaping of a new residence.

Dave Lorenz, 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 surrounding properties have similar slopes. Lorenz stated that is correct.

White asked about the previous owners not building a house and if there were any issues and why the house was not built. Lorenz stated he is unsure why the house was not built.

Netzinger asked about Exhibit II,9, showing the septic field and whether or not the driveway can go over the septic field. Lorenz confirmed that the driveway will need to be relocated somewhere other than over the septic field. He stated currently they don't have a septic system designed yet and this is only a proposed plot plan.

Duane Wipperfurth, applicant, appearing in favor of the request, spoke of their request to build a 3 bedroom residence with a walkout basement and to do that they would need to do filling and grading and would need to disturb approximately 3,900 sq. ft.. He stated they will comply with all necessary rules for erosion control and obtain any permits that are required.

Kettner asked if the existing retaining wall will be altered in any way. Wipperfurth stated they will not be disturbing the existing retaining wall, but the ground between the retaining wall and where the house will be going.

Kettner asked what will be done to the sides. Wipperfurth stated they will be putting in retaining walls on the sides that will go down to the existing retaining wall.

Kettner asked if the retaining wall will go right to the property line. Wipperfurth was unsure.

White asked he had a ground plan from the developer or the person doing the earthwork showing the slopes. Wipperfurth stated the surveyor did a pitch plan.

White asked about how tall each wall will be. Wipperfurth stated the walls will start out 6-8 feet tall and then will taper down.

184 White asked what will be done with the dirt. Wipperfurth stated it will be hauled out.

185  
186 Kettner asked about the area near the gazebo and shed and if it will be undisturbed. Wipperfurth  
187 stated that is correct.

188  
189 Kettner asked about the line of trees near the front, he would like to see additional plantings of  
190 other vegetations other than grass, which is not the best for retaining run off.

191  
192 Ladas asked if the gazebo exists right now. Wipperfurth stated it does.

193  
194 Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at  
195 approximately 10:20 a.m.

196  
197 White stated she has more comfort level when the DNR and the Department is involved in the  
198 project.

199  
200 Kettner stated when he looks at the photos of the neighboring properties, the yard seems to be a  
201 mono-culture of vegetation, would like to see a variety of plantings and not simply grass.

202  
203 Netzinger stated the plan is straight-forward.

204  
205 Ladas feels the plan is good and they are disturbing as little ground as possible.

206  
207 Motion by Netzinger, seconded by Ladas, to approve the special exception permit to authorize  
208 filling and grading within 300 feet of Lake Wisconsin during the landscaping of a new residence,  
209 with the conditions recommended by Conservation Planning and Zoning. **Motion carried 5-0.**

210  
211 Motion by Allen, seconded by Ladas to adjourn. Motion carried.

212  
213 Meeting adjourned at 10:25 a.m.

214  
215 Respectfully submitted,

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217  
218 Henry Netzinger, Secretary  
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220  
221  
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