

1 SAUK COUNTY BOARD OF ADJUSTMENT

2 April 30, 2015 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 Brentt Michalek  
15

16 OTHERS PRESENT: See Registration slips

17  
18 Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at  
19 approximately 9:00 A.M. The Chair introduced the members of the Board, explained the  
20 procedures and the order of business for the day. The staff certified that the legally required  
21 notices had been provided for the scheduled public hearing. The certification of notice was  
22 accepted on a motion by Kettner, seconded by Allen. **Motion carried, -0.**  
23

24 The Board adopted the agenda for the April 30, 2015 session of the Board on a motion by  
25 Kettner, seconded by Allen. **Motion carried, 5-0.**  
26

27 Minutes for the March meeting will be adopted at the May meeting.  
28

29 COMMUNICATIONS: None.  
30

31 DISCUSSION AND POSSIBLE ACTION ON APPEAL TABLED MARCH 26, 2015:  
32

33 A. Schroeder's Century Homestead, LLC (SP-05-15), a special exception permit to  
34 authorize the construction of a proposed wireless tower, located in the Town of Westfield.  
35

36 Motion by Allen, seconded Netzing to bring back to the Board to discuss. **Motion carried 5-**  
37 **0.**  
38

39 Brentt Michalek, Director, Conservation, Planning and Zoning, appearing, stated that tower  
40 lobbyist with the State had legislators place into the budget, which because law Stat 66.0404.  
41 This gave tower operators/owners the ability to place towers where they please as long as they  
42 meet state requirements. He stated that Chapter 23, Sauk County Tower ordinance is no longer  
43 valid and to bring through the Board of Adjustment for a special exception permit is no longer  
44 valid. He mentioned that the towers will be addressed through Chapter 7, Sauk County Zoning  
45 Ordinance. He then requests that the application be withdrawn and would approve the request  
46 through a permit as it sits today.

White referred to Exclusive Ag and if it allows for Towers as a special exception permit right now. Michalek stated it does not allow for them right now and is considering putting them as a conditional use permit. He also spoke of conversations with DATCP and allowing towers within the Exclusive Ag zoning districts.

White stated that some of the criteria that could be used is making a plan that meets that criteria suggests you can require no guide wires, additional screening, and other design requirements to make them as compatible as possible. Michalek stated that is correct and that will be something the Department will be dealing with in the next couple of months.

Kettner asked about setback rules and in the future who would set those. Michalek stated they have to meet commercial setback standards, which currently is 10 feet. He spoke of the proposed ordinance setback distances.

Motion by Ladas, seconded by Netzinger, to make “no decision” on the appeal, with the understanding that the County is making adjustments to their process and the permit will be approved in house, based on the testimony given by the Department Director.

#### APPEALS:

A. Vladimir Skurla (SP-07-15), a special exception permit to authorize the operation of a lodging house located in the Tranquility Subdivision in the Town of Baraboo.

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 a citation was issued. Lorenz stated a citation was issued due to it being operated illegally as a lodging house.

Kettner asked if there were any consequences of the citation. Lorenz stated the citation was paid and the owner needs to come forward to the Board to continue to operate as a lodging house.

Ladas asked if there are other lodging homes operated in this subdivision. Lorenz stated none in this subdivision, but there is another one located near Devil’s Lake State park.

Ladas asked about the off street parking and if there is enough space to meet the requirement for off street parking. Lorenz stated he does believe that there is room for parking with the room in the driveway as well as the garage.

Vladimir Skurla, applicant, appearing in favor of the request, stated that they purchased the cabin for their own use versus always renting motel rooms. They saw it as an income potential and did not understand they needed to request a permit to be able to rent the home out.

White asked when the property was purchased. Skurla stated August of 2013.

93 White asked how many times it was rented out. Skurla stated it was rented out after they owned  
94 it for nearly a year of renovation and improvements and purchasing appliances and furniture for  
95 the home.

96  
97 Kettner asked what lead to the county issuing a citation. Skurla stated they received a citation in  
98 January and doesn't know what lead to the citation. He stated they rent to families and have  
99 things for families to do.

100  
101 Kettner asked what types of advertising they do. Skurla stated they use BRBO.

102  
103 Netzing asked if they use a management company. Skurla stated they use a cleaning service  
104 and the neighbors support them as well.

105  
106 White asked if they plan to purchase more if it is successful. Skurla stated they would like to.

107  
108 White confirmed they plan to use this as a business then. Skurla stated they would like to  
109 purchase more and then eventually move here for retirement.

110  
111 Tom Kuester, appearing in favor, provided Exhibit VIII, which are letters from land owners,  
112 which own homes in the Tranquility subdivision, but do not live there full time, but would like to  
113 rent out their homes as lodging homes. He stated he lives there full time and feels he would be  
114 in favor of this option in the neighborhood.

115  
116 Mitch Stubber, appearing in favor of the request, stated he is in the process of building a home,  
117 and is not planning to rent his home when it is finished, but would like the option to be able to  
118 have the rental ability.

119  
120 Steve Cohoon, representing the Town of Baraboo, appearing in favor of the request, stated based  
121 on the rental agreement submitted, believes these are good applications and the existing lodging  
122 homes that are located in the Town of Baraboo have had no issues.

123  
124 White asked if he is in agreement with the conditions CPZ listed. Cohoon stated they are.

125  
126 White asked about the neighbors being notified of contact information. Cohoon spoke of all  
127 Towns having contact information being posted.

128  
129 White spoke of people being able to contact the owner versus people contacting the Town or the  
130 County and what the process would be if there is a problem. Cohoon suggested your municipal  
131 representatives, law enforcement, etc.

132  
133 Steve Higgins, appearing as interest may appear, asked about rules or stipulations, about how  
134 any people can stay in a cabin or tents, and the amount of people allowed to be in the home at  
135 one time. He had questions about state rules and other stipulations and if those had been  
136 addressed.

White asked if he has seen any issues with the existing rentals. Higgins stated he has seen no problems with the existing legal rentals. But he doesn't live next door to it either.

Dale Plamann, appearing in opposition, stated that the existing lodging house, there were a number of people opposed to it at the time and it passed anyway. He stated he is been in contact with the owner of the lodging house and he has no control of what happens there. He stated he has contacted the Sheriff's Department a couple of times and they haven't done anything. He spoke of the ditch line and spoke of people showing up to party.

White asked, in a course of a year, how many groups were disturbing the area. Plamann stated it happens on a weekly basis. The other neighbors will also state this.

White asked if this is attributed to the clientele, who is managing the property or the rules. Plamann stated there are a lot of good people and they come there to have fun and it gets out of hand and there is no control over that what-so-ever. A neighbor and he has talked to the owner in person about the management company controlling who the rent to and its impossible to control who they rent to.

Kettner asked about contacting the Sheriff's Department and the nature of that complaint. Plamann stated his complaints are about trash and his mailbox being damaged.

Kettner asked if there is a need for noise complaints. Plamann said numerous.

White asked if during the day or just at night. Plamann said mostly at night.

Kettner asked about fireworks. Plamann stated not to his knowledge.

Tom Kuester, reappearing, stated there are no trash issues, and spoke of other people renting homes in tranquility subdivision.

White asked what percentage of ownership is people who live there fulltime and the other is people who are visiting. Kuester spoke of the letters that were submitted in Exhibit VIII.

White spoke of the things the Board needs to deal with when determining if the request fits with the neighborhood and the effects and that is more than just the immediate neighbors.

Kettner spoke of keeping up with the name-sake of the neighborhood "Tranquility". Kuester stated it is nice to have some action in the neighborhood.

Ladas asked how far he is from the other lodging house that was referred to by Plamann. Kuester stated he is about 4 blocks away.

Vladimir Skurla, reappearing in favor, stated that the garbage is kept in the garage and as soon as the renters leave, the cleaning crew comes in and the garbage is removed and taken to the Pumphouse. He does say that he does screen the renters and ask who is coming.

184 White asked about the contract with the cleaning people and cleaning up the outside grounds as  
185 well. Skurla stated they do and is here about 3 times a month.

186  
187 Netzinger asked if they allow tents on the property. Skurla stated they can sleep 15 people in the  
188 cabin. He stated they do not allow tents.

189  
190 White stated it is not in the rental agreement. Skurla stated he will put that in his agreement.

191  
192 White asked if he will put in his agreement that he will not allow tents, campers or auxiliary  
193 units for outside sleeping in his rental agreement. Skurla stated he would do that.

194  
195 Joe Carbonaro, appearing in favor, stated that he will also be asking for a lodging house and the  
196 rules he has in his cabin rules.

197  
198 Netzinger asked who would be the first person to contact if there is a complaint. Carbonaro  
199 stated that Tom is his neighbor and if there are any issues, he is to contact him immediately, and  
200 he also has an agreement with the other neighbor to contact him.

201  
202 Dale Plamann, reappearing in opposition, spoke of the area being single family and there are a  
203 lot of commercial properties that you can come to and enjoy Devils Lake and Wisconsin Dells.

204  
205 Kettner asked if there is a formula for determining the number of people for the house of this  
206 type. Lorenz stated you can have up to 5 non-related people living together in single family, but  
207 there is no limit to related people living together.

208  
209 Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at  
210 approximately 10:10 a.m.

211  
212 The Board discussed the applicant's rules and the Town of Baraboo being in favor, as well as the  
213 Board being able to apply additional conditions.

214  
215 Lorenz mentioned that camping in not a permitted use in a single family residential district.

216  
217 Kettner mentioned no more people be allowed on the property than the number of beds.

218  
219 White stated that because several of these are being requested, suggested 2-3 year permits be  
220 granted, rather than 5 year permits.

221  
222 Motion by White, seconded by Netzinger, to approve the special exception permit request with  
223 the addition of cabin rules as part of the operating plan as conditions and if those rules change,  
224 CPZ needs to be notified and they can be tightened, but not loosened, 10 pm quiet time must be  
225 enforced, no tents, rvs or outside sleeping on the property, letter shall be sent to each adjacent  
226 property owner on that received noticed, with contact information for CPZ, town board, owner,  
227 management company and designated person in the neighborhood if there are problems (land use  
228 permit to be held until verification that this letter has been sent), permit is valid for 2 years

instead of 5, as well as the conditions recommended by Conservation Planning and Zoning,  
**Motion carried 5-0.**

The Board recessed for 5 minutes.

B. Lotso & Joanna Svitic (SP-08-15), a special exception permit to authorize the operation of a lodging house located in the Tranquility Subdivision in the Town of Baraboo.

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 about buildings shown in the background of the photos. Lorenz explained one shows the Pumphouse and the other shows the Farm Kitchen.

White asked if the application has applied for the land use permit. Lorenz stated they have not. White stated that means they have not shown then how big the home will be or how many bedrooms. Lorenz stated that is correct.

White asked about maximum building size for residential uses on this lot. Lorenz explained there is no maximum requirement, other than to meet setbacks, there are only minimum requirements.

Kettner asked since this is not a current structure, at what would the permit begin for the lodging house. Lorenz stated from the point at when it was first use as a lodging house or occupancy.

Lotso Svitic, appearing in favor of the request, stated that this would allow them financially care for the home.

White stated that plan show a 3 bedroom home, but there are no other plans for the house. She asked if he sees the home going any larger than 2600 sq. ft. Svitic stated that it will not go larger than 2600 sq. ft.

White spoke of the additional conditions of the previous case and that they would add them same this is case and if he would have any issues to those. Svitic said ok.

Kettner stated his request would be limited to his proposed only and if you wanted anything else, you would have to come back. Svitic understands.

White explained the 2 year permit and applying for a renewal of a special exception permit.

Kettner spoke of proposal and that every person will be personally met at the time of check in. Who is doing that. Svitic stated that his wife will be doing that.

White stated you are living in Illinois and your business is in Illinois and your wife will be here for every check in. Svitic stated that his wife is not working and she will be here to do so.

275  
276 White asked if home plans are drawn up for the permit. Svitic stated that he will be meeting with  
277 CPZ and they do have preliminary plans drawn up.

278  
279 White asked when they would expect to start using this as a lodging house. Svitic stated they  
280 expect to start using towards the end of next year with construction to start this year.

281  
282 Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at  
283 approximately 10:50 a.m.

284  
285 Kettner stated to add the language that the permit to start at the time of first occupancy.  
286 Netzingler stated though, if he doesn't start building for 3 years, he doesn't want it sitting out  
287 there for that long. He spoke of giving a deadline.

288  
289 Motion by White, seconded by Netzingler, to approve the special exception permit request, 10 pm  
290 quiet time must be enforced, no tents, rvs or outside sleeping on the property, letter shall be sent  
291 to each adjacent property owner on that received noticed, with contact information for CPZ,  
292 town board, owner, management company and designated person in the neighborhood if there  
293 are problems (land use permit to be held until verification that this letter has been sent), permit is  
294 valid for 2 years, starting with first occupancy, but no later than October of 2016, as well as the  
295 conditions recommended by Conservation Planning and Zoning, **Motion carried 5-0.**

296  
297  
298 C. Joe Carbonaro (SP-09-15), a special exception permit to authorize the operation of a  
299 lodging house located in the Tranquility Subdivision in the Town of Baraboo.

300  
301 Dave Lorenz, appeared and gave a brief history and background of the property, as well as  
302 reviewing photos and a video of the site. He then recommended conditions to be placed on the  
303 appeal if the request were approved.

304  
305 Joe Carbonaro, applicant, appearing in favor of the request, stated the built the home 9 years ago,  
306 and now with the family grown, and stopped using it as much, they would like to rent it on a  
307 short term basis. He did review the rules he has for the cabin, which is for families and he  
308 speaks to everyone they rent to and he sticks to his rules.

309  
310 Kettner spoke of the cabin rules and asked where it states quiet time after 10. Carbonaro  
311 explained.

312  
313 Carbonaro also stated that he has no problem with the conditions previously given and letters  
314 sent to all the neighbors and the contact information required.

315  
316 Ladas asked when the property was first rented. Carbonaro stated that he rented out a year ago.  
317 He did mention that his citation was for advertising for rental and he paid the citation and he  
318 stopped renting and stopped advertising until he gets through this process.

White asked about rental and advertising. Carbonaro stated that he typically rents on weekends and in the summer months it is typically a little more during the week.

White asked out of 52 weekends how many weekends would you have had rented. Carbonaro stated it is pretty much summer and maybe January/February for skiers.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 11:15 a.m.

White stated she is impressed with his list and plan and hope everyone comes back with a plan similar to his.

Motion by White, seconded by Allen, to approve the special exception permit request, 10 pm quiet time must be enforced, no tents, rvs or outside sleeping on the property, letter shall be sent to each adjacent property owner on that received noticed, with contact information for CPZ, town board, owner, management company and designated person in the neighborhood if there are problems (land use permit to be held until verification that this letter has been sent), permit is valid for 2 years, as well as the conditions recommended by Conservation Planning and Zoning, **Motion carried 5-0.**

D. Yahara Materials, Inc. (SP-10-15), a special exception permit to authorize the operation of a mineral extraction site located in the Town of Honey Creek.

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 verified this was a former quarry site and closed up in the 1980's. Lorenz confirmed.

Kettner spoke of the open property and is gravel and has not been reclaimed. Lorenz stated what is there is existing and very little vegetation and is what is left over from the old site that was operated years ago.

Kettner asked when a quarry closed, as this did, is there a point in time that reclamation must take place. Lorenz explained that when this quarry closed that was before there were requirements for reclamation.

Ladas asked about a gate being located at the entrance. Lorenz confirmed there is a gate near the entrance by the woods.

Kettner asked about the landscape. Lorenz spoke briefly but suggested asking the applicant.

Ladas asked about the Town of Honey Creek approving the request. Lorenz explained that the rezoning was for the purpose of this use.



White confirmed that out of the 80 acres, within that is the area that will be quarried which is shared by Everts and Balfanz. Lorenz stated that was correct and referred them to Exhibit IV, 1 which shows the area rezoned for quarrying activities.

Tim Geoghegan, Yahara Materials, applicant, appearing in favor, explained the background of the site, operating until 1985, changed ownership. The plan is that you will never see a difference in topography and will maintain the tree line around the quarry, will take material from the Balfanz property first and then the Evert property.

Kettner asked if there is overburden from the previous quarry. Geoghegan explained that the site is very well maintained and the previous operator left the site very well maintained and in good shape.

Kettner asked about reclamation and if materials will be brought in. Geoghegan stated that they will reclaim where they will be working and will take the soils and distribute them as evenly as they can.

White asked what will be removed. Geoghegan stated they are removing limestone which will primarily be a supply for the Sauk County Highway Department, Town of Honey Creek and possibly DOT

White asked how often they think they will blast. Geoghegan state it depends on the market, but most likely 3-5 times a year.

Allen asked how long they may be there. Goeghegan stated again it depends on the market, but maybe 10 years.

Ladas asked about hours of operation and the operation plans are different than the hours by Lorenz, suggesting night work. Goeghegan stated that is staff request and DOT often requires night work on specific projects and would like the ability to do night work.

White asked if they have any issues that Planning and Zoning has requested. Goeghegan said he has a problem with the 3:1 slopes and stated that is part of NR135 and it would require extensive blasting and typically what they do is bench them and there are verticals in there.

White is asking that they would prefer that they put in standards per DNR.

Kettner asked about setbacks. Geoghegan stat they would use about 20 feet, fences, warning signs, native vegetation, etc.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 11:45 a.m.

White spoke of the slopes and an approved reclamation plan.

Motion by Allen, seconded by Ladas, to approve, removing condition M, with the conditions recommended by Conservation Planning and Zoning, **Motion carried 5-0.**

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

Meeting adjourned a

Respectfully submitted,

Henry Netzinger, Secretary

DRAFT