

SAUK COUNTY BOARD OF ADJUSTMENT
October 21, 2010 Session of the Board

PRESENT: Richard Vogt, Chair
David Allen
Linda White
Henry Netzinger
David Wernecke

ABSENT: Robert Roloff

STAFF PRESENT: Gina Templin
Dave Lorenz
Mark Steward

OTHERS PRESENT: See individual appeal files for registration appearance slips.

Chair Vogt called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:05 A.M. The 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. Certification accepted on a motion by White, seconded by Wernecke. **Motion carried 5-0.**

Vogt spoke of the amendment to the agenda, SP-25-10, Deppe, requesting a postponement until the November hearing. Motion by Allen, seconded by Netzinger to adopt the amended agenda for the October 21st meeting. **Motion carried 5-0.**

Motion by White, seconded by Allen to adopt the minutes from the September meeting. **Motion carried 3-0 with Wernecke and Netzinger abstaining.**

COMMUNICATIONS:

Mark Steward, Planning and Zoning Director, spoke of the variance standards provided by the Corporation Counsel office. He also spoke of the Elsing BOA hearing heard in September regarding the filling and grading and possible violations of the BOA decision and the boathouse request.

Netzinger asked the address of the property for Mr. Elsing. Staff advised.

No other communications.

APPEALS:

- A. Ken and Susie Kidd, Owner, David Hyzer, Agent (SP-22-10) requesting a special exception permit to authorize filling and grading on slopes of more than 20% within 300 feet of Lake Redstone.

Dave Lorenz, Environmental and Zoning Specialist, appeared and provided the history and background of the request and reviewed the staff report provided to the Board and Applicant, as well as photos and a video of site.

White asked about tree removal. Lorenz stated the builder has stated that they will remove as few trees as possible to make path and build the home. He also stated that most work will be done by hand due to the slopes.

Wernecke asked if Planning and Zoning is getting any more detailed plans where the steps are constructed on 45% slopes. Lorenz stated that there have been discussions with the builder about natural materials being used within 75 feet of the water. Wernecke asked how they intend to construct it. Lorenz stated what we have is all we know.

Vogt spoke of revised Planning and Zoning recommendations outside of what was received in the original packet.

White asked how far back the trail goes that is requested by the Agent. Lorenz stated it will go to the patio area. He spoke of what the request is for.

Kenneth Kidd, Applicant, appearing in favor, stated that he will leave more of the detail to the builder, however, the plan for the trail is to make it a meandering trail to minimize how much disruption is done to the slope and want to leave it as natural as they can.

David Hyzer, Agent, appearing in favor of the request, stated that the precast steps would be constructed starting at the bottom and then each step would sit directly on top of the one below it and the edges will be seeded and mulched and each step will be cut in precisely where it needs to be without disturbing any other material around it.

White asked how wide the trail will be. Hyzer stated 2 feet wide. White asked about the number of steps. Hyzer stated there will be about 35 steps and 2 to 3 steps in the meander corner. He also stated once you get past the steep area there is an existing trail now that they will be utilizing.

Wernecke asked when the project is expected to start. Hyzer stated it depends on weather and most likely will begin in the spring to allow for seeding.

Vogt spoke of Exhibit II,4, site plan, 3 trees by the shoreline. Hyzer confirmed they are leaning into the lake and will be removed. He also stated that only 1 or 2 small ones that will be cut.

Vogt asked if he will be the contractor or if it will be subbed out to a landscaper. Hyzer stated they have been in conversations with a landscaper.

Netzinger asked about materials used for the walkway. Hyzer stated that they will use existing dirt material and possibly some road gravel.

White asked if it will be done mostly by hand. Hyzer confirmed that there will be no machinery on the slope and it will all be done by hand and possibly some material brought in by the lake.

Seeing as no one else wished to speak, Chair Vogt closed the meeting at 9:35 a.m.

The Board reviewed the ordinance.

White stated she applauds them for keeping the path narrow and simple and good plans provided.

Netzinger stated that the steps they are using on the steeper area should prevent any erosion and Planning and Zoning should keep an eye on that just to verify the installation is done properly.

Motion by White, seconded by Wernecke, to grant the special exception permit for filling and grading within 300 feet of Lake Redstone on slopes greater than 20%, with the revised conditions recommended by Planning and Zoning. **Motion carried 5-0.**

- B. Brett and Stacey Timke, Owner, Pro Scapes, Agent (SP-23-10) requesting a special exception permit to authorize filling and grading on slopes of more than 20% during the construction of boulder retaining walls.

Dave Lorenz, Environmental and Zoning Specialist, appeared and provided the history and background of the request as well as photos and a video of site. He then provided recommendations by staff if the request is approved.

White asked about the existing deck post and the exposure of those once the project is done. Lorenz referred the question to be addressed by the Landscaper.

Lorenz asked if all violations have been corrected. Lorenz stated they have been.

Wernecke asked about erosion on the site. Lorenz stated there was no evidence of erosion when he was onsite, but there is some exposed bare ground under the deck and possibly trying to eliminate that.

Wernecke stated he is having trouble with the drawing and if the retaining wall goes around the house as well or just on the deck side. Lorenz referred the question to the contractor.

Wernecke asked about a large amount of blacktop and how is that sloped in terms of runoff. Lorenz stated he doesn't feel this project has an effect on the driveway.

Jerry Maj, Agent/Landscaper for Owner, appearing in favor of the request, he stated they are trying to stop the ground from moving that is underneath the deck and the retaining walls will be in front of the deck with wings. In front of the house will be a single boulder, about 12".

Wernecke asked about the wings along the side of the house. Maj stated that they will be approximately 5' and the boulder wall will cover the deck area.

Vogt asked about Exhibit II,5 and if the house footprint includes the deck. Maj stated it does include the deck and the boulder wall will approximately 5 feet from the house, u shaped and tying into the slope.

Wernecke asked about tying into the outcropping. Maj explained that there will be an access point from the deck area to the incline cart and steps will be included, natural outcropping steps.

Vogt asked if there is rock there now. Maj stated there is natural rock more to the west, but that is further than they will go.

Wernecke spoke of downspouts. Maj stated that he would like to extend the downspouts to go underneath the walls so that they are not directing water behind the walls, but underneath of them. They will backfill behind the wall and the posts will be buried about 4 to 5 feet, install the erosion control and matting.

Wernecke asked if they will start before winter. Maj stated it depends on the weather and the project is a small project that will take about 3-4 days and there will be only a small area disturbed and will be able to place erosion mats, however, there will be little erosion due to the house preventing any erosion, as they are working directly below the house.

White asked how the boulders will be brought in. Maj stated they will be brought in with a skidster and will be brought in between the property line and the house.

White asked for the amount of room to set the boulders. Maj stated he only has approximately 10 feet of area to work and will do only one boulder at a time.

Netzinger asked if bales would be a better option than silt fence and feels that would work better. Maj stated that bales would work well.

Dave Lorenz, reappearing, stated that hay bales need to be trenched in as well in order to be affected and you are exposing more area trenching in a hay bale than a silt fence.

Netzinger stated he doesn't like the idea of digging a trench. Lorenz stated that the construction site has the least amount of slope on the site.

Vogt stated he does not see a big concern on the silt fence, as there is that much area that will be disturbed.

Wernecke asked about the downspouts. Maj stated the downspouts will be extended and will run into the lake and explained how they will be constructed.

Seeing as no one else wished to speak, Chair Vogt closed the meeting at 9:55 a.m.

Vogt reviewed the request and the ordinance in relation to this case.

White stated this is the most confined project that they have seen which keeps the area exactly where it is described.

Motion by Vogt, seconded by Wernecke, to approve the special exception permit for the filling and grading on slopes greater than 20% within 300 feet of Lake Redstone, with the revised conditions submitted by Planning & Zoning. **Motion carried 5-0.**

- C. John Pritchard (SP-24-10) requesting a special exception permit to authorize the construction of a pond within 110 feet of a road.

Dave Lorenz, Environmental and Zoning Specialist, appeared and provided the history and background of the request as well as photos and a video of site. He then provided recommendations by staff if the request is approved.

White asked if this is fed by a water source, as it's a pond versus a scrape. Lorenz stated he is not aware of any water source, other than having a heavy rain where water is collected.

White stated that 6 feet is deep and if the department has an opinion if a water source is with it. Lorenz stated he is unsure.

Vogt asked if DNR has looked at the site and if it's a possible wetland. Lorenz stated he is unsure.

Wernecke referred to Exhibit II,5 and asked what the water way to the south leads to. Lorenz stated there is an intermittent stream to the south.

Wernecke asked about the subdivision for the area and if there is a plan for a drainage way for the subdivision. Lorenz is unaware.

John Pritchard, applicant, appearing in favor of the request, stated that the water runoff would be what feeds the pond.

Vogt asked about the culvert under each road that goes into that pond. Pritchard stated that is correct.

Vogt referring to Exhibit II,5, reviewed the pond placement and the culvert/roads, and a drainage swale that runs to the tributary to the south.

Vogt asked if that is canary grass growing out there. Pritchard stated it is and he cut it off and baled it just to keep it mowed.

Vogt asked about crop fields. Pritchard stated it is grass and clover and he mows that as well.

Vogt asked if he has talked to the neighbors. Pritchard stated he spoke to the one neighbor to the south and he is ok with the pond.

Vogt asked if DNR has been on the site. Pritchard stated he has not spoke to them and is not sure if they have been there or not.

White asked why the pond is 6 feet deep. Pritchard stated that Sorenson told him 6 feet deep was his limit, so that is what he put.

Vogt asked if there are any springs there. Pritchard stated he doesn't know.

White stated he should check with NRCS doing a scrape rather than digging a pond.

White asked what his intent for this is, a wetland or a pond that people can swim in. Pritchard stated that he only wants to dry it out.

Vogt spoke of the request and the project being close to the road.

Netzinger spoke of the residences that are close and feels that it could become a mosquito pond and asks that DNR looks at the site before going forward.

Vogt asked about talking to Land Conservation. Pritchard stated he spoke to Steve Sorenson and just went with what he tells him.

White asked when the project takes place. Pritchard stated he intended to start today.

Lorenz, reappearing. Vogt asked if Steve has had any comment to him. Lorenz stated he has not.

The board asked to speak to Steve.

Pritchard, reappearing in favor, stated that the driveway permit wasn't needed per Steve Sorenson.

Steve Sorenson, Planning and Zoning, appearing as interest may appear.

Vogt asked if he has been onsite. Sorenson stated it is a shoreland/wetland to the south.

Vogt asked if the pond is hooked to a drainage swale that drains towards the creek. Sorenson stated it is a grassed waterway going to the creek.

Vogt asked what the assessment to the pond. Sorenson stated he understands that he just wants a shallow scrape, and is a wetland right now and the spoil pile could not be placed in the wetlands and has good groundwater and by cleaning this out should help.

White stated there seems to be conflict and the applicant said he wants to do this so he can drain the area and mow it and will create the site to be more wet rather than dryer and asked about communication conflict between staff and the applicant. Sorenson stated that is true, but he should be able to mow some of the higher ground.

White asked as a wetland does he have to contact the DNR. Sorenson stated that DNR rules are that the pond is less than 4 feet and the spoils stay out of the wetlands.

White asked if any reference to NRCS being spoken to about the design of the project. Sorenson stated that due to this being in a subdivision, Land Conservation does not want to help.

White stated someone needs to look at this project to find out that he achieves what he wants rather than simply digging a 6 foot hole.

Netzinger is concerned about the water quality so that it will not become a mosquito pond. Sorenson stated that with any standing water you will have mosquitoes in that water and the neighbors were notified and he has not received any complaints from neighbors.

Wernecke asked how this might affect the drainage way and the functioning of that. Sorenson stated that by excavating the wet spot out for the most part it should hold water and not drain out.

Wernecke asked if the banks of the pond will be at grade. Sorenson stated the banks are at grade, because those are the wetland and those materials need to go on the uplands.

Seeing as no one else wished to speak, Chair Vogt closed the meeting at 10:35 a.m.

Vogt stated that it should be a scrape and not see it go 6 feet deep, but rather 4 feet deep as the DNR suggested, but feels it could be an asset for wildlife.

White is concerned without a plan there will be trouble in constructing the pond and can the office supervise it enough to verify it is done correctly.

White asked if NRCS has recommendations for plans like this. Vogt stated they do.

Netzinger stated that after hearing Sorenson's testimony, he can supervise the project adequately.

White agrees with 4 feet deep.

Allen questions the concern with whether it is 4 feet rather than 6 feet. White stated the wetlands are for the benefit of wildlife and there is no plan on this site.

Vogt stated that from a safety standpoint with the residences down there, a 6 foot pond would pose more of a safety hazard, rather than a 4 foot, and the difference between that for ponds, is not an issue and will accomplish the same thing.

Motion by White, seconded by Allen, to approve the special exception permit for the pond located within 110 feet from a property line with the conditions recommended by Planning and Zoning, as well as the added condition that the pond be no more than 4 feet deep. **Motion carried 5-0.**

Motion by Allen, seconded by Wernecke to adjourn.

Respectfully submitted,

Richard Vogt, Chair, for Robert Roloff