

**SAUK COUNTY BOARD OF ADJUSTMENT**  
**August 26, 2010 Session of the Board**

**PRESENT:** Richard Vogt, Chair  
Robert Roloff  
David Allen  
Linda White  
David Wernecke, Alternate

**ABSENT:** Henry Netzing

**STAFF PRESENT:** Dave Lorenz  
Steve Sorenson  
Alene Kleczek  
Mary White

**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 Allen, seconded by Wernecke. **Motion carried 4-0, with White absent.**

Motion by Wernecke, seconded by Roloff to adopt the agenda for the August 26, 2010 meeting. **Motion carried 4-0, with White absent.**

Motion by Roloff, seconded by Wernecke to adopt the minutes from the July 22, 2010 meeting. **Motion carried 4-0 with White absent.**

**COMMUNICATIONS:** None

White in attendance.

**APPEAL:**

Tom and Marilyn Sutter, (SP-17-10), a special exception permit request to authorize filling and grading on slopes of more than 20% during the construction of a detached garage.

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.

Wernecke noted some erosion on the access road. Lorenz said there was damage all along the road from the last heavy rains. Lorenz stated there was an erosion control plan proposed. No material would be stockpiled at this site. The building site may be shifted once construction was begun.

Marilynn Sutter, owner, appeared in favor. She stated that they didn't know exactly how far back they could go and the exact size of the garage until excavation was started. Vogt asked if they were planning to go into the rock. Sutter responded they weren't going to excavate in solid rock. The site plan was reviewed. The map showed the current contours. The back and one side wall would be concrete. The erosion plan was discussed. Sutter stated that the exact road location has been slowly moved.

Steve Sorenson, Assistant Zoning Administrator, appeared as interest may appear. He produced some pictures he had just taken of the site. These were entered as exhibits VIII - 1, 2, & 3. The rock was cemented sandstone. He didn't see any sluffing-off of the rock. A previous filling and grading permit had been issued for this property. There were other garages on the road. Wernecke was concerned about run-off problems. The town was holding off redoing the road until a decision had been made on this request.

Seeing no one else wished to speak, the public portion of the hearing was closed at 9:40 a.m.

Vogt stated he didn't see any problems with the project. They were basically building a garage just like the one next to it. Rock sluffing-off was the biggest concern. The conditions as set by Planning and Zoning were reviewed. White questioned if there was a zoning or safety issue. Roloff was comfortable with conditions and the proposed builder. Motion by Roloff to approve the request with conditions as suggested by Planning and Zoning. The railing or fence was discussed. Lorenz stated they wouldn't know if a railing was needed until the excavation actually began. Could the department make a suggestion after the garage was constructed. Lorenz stated this was more an issue for the local building inspector rather than Planning and Zoning. For lack of a second the original motion was lost.

Motion by Roloff, seconded by Vogt to approve the request with conditions as required by Planning and Zoning and leave it up to the department if there were safety issues as pertaining to a rail or fence. Discussion followed. One of the conditions was modified stating that a rail or fence "may" be required as deemed necessary by Planning and Zoning to prevent material from falling from steep slopes. Vogt amended the motion by striking the second sentence in condition "D" reading "A railing or fence shall be installed ..." **Motion carried, 5-0.**

The next appeal was regarding a tabled special exception permit for Brian Farr, (SP-27-06) requesting filling and grading on slopes of more than 20% for the construction of a storage shed. Motion by Roloff, seconded by Wernecke to put this appeal back on the table. **Motion carried, 5-0.**

There would be no public comment as the public portion of the hearing was already closed. Sorenson gave a history and background on the original request. This appeal had been tabled because the Town of Baraboo had made no recommendations. The Town Board made a decision with recommendations at their August meeting. The delay in bringing this matter back was because of confusion on the owner's part. There is a conservation easement on this property. There were wetland issues on the property. The building was built in 2005. There was a steep slope cut at that time which was within 300 feet of Skillet Creek.

Sorenson stated there was no erosion control, stabilization plan in existence at this time. This would be part of the permit approval. The slope needs to be protected. The need for a retaining wall was discussed. Sorenson stated the slope face was almost vertical. Roloff clarified the status of this appeal, as in 2006 the Board heard this appeal, Planning and Zoning put conditions on it, but the Board tabled the request because the Town of Baraboo had not commented on it. If the request is granted, the 2006 conditions would remain in effect as well as conditions set by the Town of Baraboo. Wernecke noted there were some new conditions set by Planning and Zoning.

Vogt stated that the applicant should submit an erosion control plan to the department. Motion by Vogt to approve the permit with conditions proposed by Planning and Zoning in 2006 and an erosion control plan to be submitted for approval. The retaining wall was again discussed. Discussion continued regarding striking the retaining wall and adding an approved erosion control plan. This motion by seconded by White.

Vogt amended the motion to approve the special exception permit with the conditions recommended by Planning and Zoning that were part of the original appeal and the recommendations staff now presented with the exception of not requiring a retaining wall and the conditions as recommended by the Town of Baraboo and that a plan be submitted for erosion control and stabilization to Planning and Zoning for approval. Seconded by Wernecke. **Motion carried, 5-0.**

Alene Kleczek, Assistant Corporation Counsel, distributed information on variance standards and reviewed them with the Board.

Motion by Wernecke, seconded by Allen to adjourn. **Motion carried, 5-0.**

Notes by Mary White.