

# SAUK COUNTY BOARD OF ADJUSTMENT

Thursday, August 22, 2024  
County Board Room/Gallery  
West Square Building

PRESENT: R. Meier, R. Klitzke, D. Allen, J. Evert, J. Phephles

ABSENT: None

OTHERS PRESENT: L. Wilson, B. Simmert, R. Meyer, W. Christensen, T. Hillmann, M. Krautkramer

## Call to order and certify compliance with open meetings law

At 9:00 a.m. Chair R. Meier called the meeting to order and introduced the members of the Board, explained the procedures and order of business for the day. LRE Staff certified that the legally required notices were posted for the scheduled public hearings.

## Adopt agenda

Motion by Klitzke / Evert to adopt the August 22, 2024, Agenda. Motion carried, unanimously.

## Adopt minutes of previous meeting – July 25, 2024

Motion by Phephles / Allen to adopt the minutes from the July 25, 2024, BOA meeting. Motion carried, unanimously.

## Communications

No communications were reported.

## APPEALS:

Chair R. Meier announced the process for the public hearing portion. Public hearing called to order at 9:02 a.m.

R. Meyer read the public hearing notice for Petition 06-24.

**Petition 06-2024. A Petition to authorize the continued operation of a non-metallic mining site, one acre or greater and a Non-Metallic Mining Reclamation Permit pursuant to s. 24.05 of the Sauk County Non-Metallic Mining Reclamation Ordinance. The non-metallic mining operation is located in an Agriculture Zoning district located at E590 County Rd Q, described as: Part of the E ½ of the SE ¼ of section 18, T13N, R2E, and part of the W ½ of the SW ¼ of section 17, T13N, R2E Town of Woodland, Sauk County, WI. Lands include tax parcels 044-0378-20000 owned by Eli Yoder Jr, and tax parcels 044-0353-00000 and 044-0352-10000 owned by The Kraemer Company.**

W. Christensen presented the staff report, background, and history. Town of Woodland Plan Commission and Town Board recommended approval of the special exception permit without any further input. Sauk County LRE recommended approval of the special exception permit.

Applicant, Bob Jewel, Geologist Agent for Milestone Materials, provided information regarding the request to continue the operation of a non-metallic mining site in the Town of Woodland.

No public comment in favor.

Judi Pesz spoke in opposition of the continued operation of the non-metallic mining site because of the view of the sand piles and the disruption of her well and the possibility of her well failing due to the shaking during the blasting. J. Pesz noted the blasts are occurring more often causing her well to shift.

Karlin Mendleski spoke in opposition of the continued operation of the non-metallic mining site due to having a new

residence near the mining site with a view of sand piles. K. Mendleski stated that a special filter is needed for her well due to the sediment in the water.

Ben Pahl spoke in opposition of the continued operation of the non-metallic mining site due to the non-stop traffic of the dump trucks causing problems with the road. B. Pahl noted that his well also has sediment for a few days after the blasting happens. B. Pahl stated he has never been notified of when a blast is going to occur.

No one spoke as interested party of Petition 06-2024.

J. Evert spoke regarding the petition being a renewal and was not aware of the expansion portion of the petition.

W. Christensen explained.

R. Meier asked about the condition noted in the petition requiring notification to the neighboring residents.

W. Christensen reread the condition that states this notification required by Milestone Materials to LRE within 24 hours of the blasts. Milestone Materials is required to notify neighboring landowners as stated by state law.

R. Klitzke asked if there have been any complaints or concerns regarding the application.

W. Christensen noted he did not receive any complaints or concerns.

J. Phephles inquired about the expiration date of the current permit.

W. Christensen stated that it expires at the end of the month – August 2024.

Bob Jewel spoke in regard to the map is inaccurate that the mine does not go all the way to County Rd. Y. B. Jewel noted the blasting notification are sent to landowners within 1500 feet of the blast. B. Jewel stated that if someone wishes to be notified of the blasts, they should reach out to Milestone Materials and supply their name, address, email, and phone number.

Seeing no one else wishes to speak, Chair R. Meier, closed the public hearing for this appeal and the Board went into deliberation at 9:46 a.m.

Motion by Evert / Allen to approve Petition 06-2024 to authorize the continued operation of a non-metallic mining site based upon the findings of fact and conclusion of law, subject to the staff analysis and recommend conditions as noted within the staff report. Motion carried, unanimously.

**Petition 08-2024. A petition to consider a variance pursuant to s. 7.098(3) to reduce the minimum setback of a principal structure to a Town road right-of-way. The variance request is associated with land described as E7781 Virginia St, located in part of the SE ¼, SW ¼, Section 8, T12N, R5E, Town of Excelsior, Sauk County, WI. Tax parcel 010-0381-00000, owned by Brian and Amanda Redner.**

T. Hillmann presented the staff report, background, and history. Town of Excelsior Plan Commission and Town Board recommended approval of the variance. Sauk County LRE recommended denial of the variance request.

Applicant, Amanda Redner, provided information regarding the variance request to reduce the minimum setback of a principal structure to a Town road right-of-way. Ms. Redner noted that there was a discrepancy between the Land Use Permit and the Building Permit drawing of where the house is located. This discrepancy was not noticed until the drywall was being installed and the Redner's went to the bank for a loan. At that time, the bank and title company hired a surveyor that discovered the attached garage side of the house is too close to the road.

Applicant, Brian Redner, spoke regarding the low traffic flow on Virginia St.

Town of Excelsior chairperson, Kurt Muchow, spoke in favor of the variance to leave the house as is as there is not any impact on the Town Road or any health or safety issues for the neighborhood. The Town of Excelsior supports the approval of the variance.

Willian Hein spoke in opposition of the variance due to the setbacks are clear and were not followed.

Dan Reeds spoke as an interested party of the variance due to the fact that building continued on after notice was given that the property was too close to road right of way.

Seeing no one else wished to speak, Chair R. Meier, closed the public hearing for this appeal and the Board went into deliberation at 10:24 a.m.

Motion by Allen / Phephles to approve Petition 08-2024 A petition to consider a variance pursuant to s. 7.098(3) to reduce the minimum setback of a principal structure to a Town road right-of-way based upon the findings of fact and conclusion of law, subject to the staff analysis and recommend conditions as noted within the staff report. Motion failed 2 – Yay 3 - Nay.

Motion by Evert / Klitzke to deny Petition 08-2024 to consider a variance pursuant to s. 7.098(3) to reduce the minimum setback of a principal structure to a Town road right-of-way based upon self-imposed hardship along with the findings of fact and conclusion of law, subject to the staff analysis and recommend conditions as noted within the staff report. Motion carried 3 - Yay, 2 - Nay.

**Next meeting date** – Thursday, September 26, 2024 at 9:00 am

**Adjournment** – R. Meier called for a motion to adjourn. Motion by Klitzke / Evert to adjourn the meeting at 10:36 a.m. Motion carried, unanimously.

Respectfully submitted,

Jennifer Evert, Secretary

