

**DODGE COUNTY BOARD OF ADJUSTMENT MINUTES**

**February 19, 2015**

The Dodge County Board of Adjustment met on this 19th day of February at 7:00 p.m., on the 1<sup>st</sup> Floor of the Administration Building, in Rooms 1H and 1I, located at 127 East Oak Street, Juneau, Wisconsin.

Chairman Armin Reichow called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Armin Reichow, Leon Schraufnagel, Harold Hicks, Wayne Uttke and Edward Premo (Alternate 2). Members excused were William Nass.

Chairman Reichow noted that a quorum is present.

Joseph Giebel of the Land Resources and Parks Department was in attendance at the request of the chairman;

The Chairman asked the staff to confirm compliance with the open meeting law and public hearing notice requirements for the hearings before the Board.

Mr. Giebel indicated that the meeting was properly noticed in accord with the open meeting law and noted that each of the public hearings listed on the agenda received a class two notice and the mailing notices were sent in accord with the statute and code requirements.

The agenda was reviewed by the Board.

The minutes from the February 12, 2015 meeting were reviewed by the Board.

Motion by Uttke to approve the minutes as written.

Second by Schraufnagel

Vote: 5-0 Motion carried.

The staff explained the hearing procedures to those in attendance;

**PUBLIC HEARING**

**Ed Gratz, agent for Gratz Development Group LLC** – Request for a variance to the terms of the Sanitary Ordinance to allow the installation of a holding tank on this site where there are other types of private sewage systems that can be utilized on this property. The site is located in part of the SE ¼, SE ¼, Section 8, Town of Burnett, the site address being N8984 County Road I.

Motion by Schraufnagel to deny the variance request to allow a holding tank to be installed on this site in lieu of installing a mound type system.

Second by Premo

Vote: 5-0 Motion carried.

The appellant asked for clarification of the vote taken by the Board because the Board answered "no" to the motion to deny.

The motion was re-stated by the Board and the vote was retaken by the Chairman;

Motion by Schraufnagel to deny the variance request to allow a holding tank to be installed on this site in lieu of installing a mound type system.

Second by Premo

Vote: 5-0 to deny the variance request. Motion carried.

#### PUBLIC HEARING

**Howard and Barbara Krohn** – Request for a variance to the terms of the Highway Setback Overlay District provisions of the Dodge County Land Use Code to allow the construction of a garage addition where said addition will be located approximately 31 feet within the required road setback from Bay Street. The site is known as Lots 21, 22 and 23, Block 2, Sinissippi Bay Subdivision, which is located in part of the SE ¼, NE ¼, Section 32, Town of Hubbard, the site address being N5194 Wildcat Road.

Motion by Hicks to allow the construction of a garage addition where said addition will be located approximately 31 feet within the required road setback from Bay Street subject to the following condition:

1. The appellant shall sign and record a variance agreement with the Dodge County Register of Deeds prior to the issuance of the County land use permit for this construction.

Second by Premo

Vote: 5-0 Motion carried.

#### PUBLIC HEARING

**Michael Simon Builders, agent for David Pappas** - Request for a variance to the terms of the Highway Setback Overlay District provisions of the Dodge County Land Use Code and to the water setback provisions of the Shoreland Protection Ordinance to allow for the construction of a 6 foot high fence and security gate on said lot, where said fence and gate will exceed the allowed height of a fence located in a street yard by 2 feet and where said fence will be located within the required water setback lines. The site is located in part of the NE ¼, SE ¼, Section 15, T13N, R13E, Town of Fox Lake, the site address being W10565 Blackhawk Trail.

Motion by Schraufnagel to approve the variance request to the fence height subject to the following condition:

1. The fence shall be of an open, non-opaque type fence similar to woven wire or wrought iron fencing that is a minimum of 50 percent open for each one foot segment of the fence over the entire length of the fence so as not to obstruct the view through the fence.

Second by Premo

Vote: 5-0 Motion carried.

Motion by Premo to approve the variance to allow the fence to be located within the water setback lines as proposed.

Second by Schraufnagel

Vote: 5-0 Motion carried.

### **Other Business**

1. Review 2014 Board of Adjustment Annual Report.

Motion by Schraufnagel to approve the annual report.

Second by Hicks

Vote: 5-0 Motion carried.

2. Review correspondence from Kay Lutze – Department of Natural Resources Shoreland Policy Coordinator

The correspondence received from Kay Lutze – Department of Natural Resources Shoreland Policy Coordinator, dated February 5, 2015 was reviewed by the Board. The purpose of the letter was to inform the Board that she was concerned that the decision that was made by the Board for the Spiegel variance request on October 16, 2014 did not meet the criteria that are necessary to grant the requested variance to the water setback requirements of the code. Ms. Lutze gave her reasons why she felt the Boards decision did not meet the criteria for granting a variance and informed the Board that her office will be carefully monitoring the future decisions by the Board with the hope that the variance criteria are applied in accordance to the statute. The Board reviewed their reasons for granting the variance and also stated their positions on the letter received by the DNR.

Motion by order of the chair to adjourn the meeting. 9:15 PM

Motion carried.

Respectfully submitted,

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Wayne Uttke, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.