

DODGE COUNTY BOARD OF ADJUSTMENT MINUTES
August 17, 2023

The Dodge County Board of Adjustment met on this 17 day of August at 6:30 p.m., in Rooms 1H and 1I on the 1st Floor of the Administration Building, located at 127 East Oak Street, Juneau, Wisconsin.

Chairman William Nass called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Mark Othmer, Jon Schoenike, Russell Kottke, Rodney Justman, William Nass,

Members excused were Larry Bischoff (1st Alt), Vacant (2nd Alt.)

Terry Ochs of the Land Resources and Parks Department was in attendance at the request of the chairman;

Chairman Nass noted that a quorum is present.

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Mr. Ochs noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

Chairman Nass requested Mr. Ochs of the Land Resources & Parks Department to accompany the Board on the on-site inspections.

The meeting was adjourned to allow the Board to conduct on-site visits of the following sites for facts to be presented at a future public hearing:

- **John S. Henry III agent for Duane and Kathleen Foulkes Revocable Trust** - The site is located in Part of the SE ¼ of the NW ¼, Section 28, Town of Beaver Dam, Dodge County, Wisconsin.

Following the On-site visits, the Board reconvened the meeting of the Dodge County Board of Adjustment at 7:00 PM in Rooms 1H and 1I located on the first floor of the Administration Building, located at 127 East Oak Street, Juneau, Wisconsin to hold the public hearings.

Chairman Nass called the meeting of the Dodge County Board of Adjustment back to order.

Roll Call was taken.

Members present were as follows: Mark Othmer, Jon Schoenike, Russell Kottke, Rodney Justman, William Nass,

Members excused were Larry Bischoff (1st Alt), Vacant (2nd Alt.)

Non-Committee Member County Board Attendance: None

Chairman Nass noted that a quorum is present.

The agenda was reviewed by the Board;

The minutes from the July 21, 2023 meeting were reviewed by the Board.

Motion by Jon Schoenike to approve the minutes as written.

Second by Russell Kottke

Vote: 5-0 Motion carried.

The staff explained the hearing procedures to those in attendance;

PUBLIC HEARING

John S. Henry III agent for Duane and Kathleen Foulkes Revocable Trust for a variance to the terms of the subdivision provisions of the Dodge County Land Use Code to allow the creation of a new lot/parcel with a sewage dispersal system which must utilize a holding tank due to the site not having suitable soils for an approved sanitation disposal system other than a holding tank and thus not in compliance with the Code. The site is located in Part of the SE ¼ of the NW ¼, Section 28, Town of Beaver Dam, Dodge County, Wisconsin.

Motion by Jon Schoenike to approve the variance request with 5 noted conditions

1. The owner shall contract with a licensed plumber to design and obtain the required sanitary permit approvals for the proposed holding tank prior to the installation of the holding tank.
2. The owner shall, pursuant to s. SPS 383.54(2) have a water meter installed. The water meter shall be installed by a plumber authorized by the State to conduct such installations, with said installation complying with State regulations and manufacturers specifications. The owner shall be financially responsible for the purchase, installation, maintenance and repair of the water meter, and agrees to allow the County to enter the above described property, as needed, to read and/or inspect the water meter.
3. The owner, except as provided by s. 281.48 (d), Stats, shall contract with a person who is licensed under Ch. NR 113, Wis. Adm. Code, to have the holding tank serviced and to file a copy of the contract or the owner's registration with the County. The owner further shall file a copy of any changes to the servicing contract, or a copy of a new servicing contract, with the County within 10 days from the date of change to the servicing contract.
4. The owner shall contract with a person licensed under Ch. NR 113, Wis. Adm. Code, who shall submit to the County on a semiannual basis a report in accordance with SPS 383.55 Wis. Adm. Code, for the servicing of the holding tank. In the case of licensing under s. 281.48(d) Stats, the owner shall submit the report to the County. The County may enter upon the property to investigate the condition of the holding tank when pumping reports and/or meter readings may indicate that the holding tank is not being properly maintained.
5. These conditions shall remain in effect until the County certifies that the property is served by either a municipal sewer or a POWTS system that complies with SPS 383, Wis. Adm. Code.

Second by Mark Othmer

Vote: 5-0 Motion carried.

The Board may convene in closed session pursuant to Section 19.85 (1)(g) of the Wisconsin Statutes, for the purpose of conferring with legal counsel for the Board, who will render oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is involved, namely, Springbrook Estate LLC, Petitioner, v. Dodge County Board of Adjustment, Respondent, Dodge County, Wisconsin Circuit Court Case No. 23-CV-210.

The Chairman William Nass request a motion to go into closed session.

Motion by Russell Kottke to go into closed session.

Second by Rodney Justman

Vote: 5-0 Motion carried.

The Chairman William Nass request a motion to come out of closed session.

Motion by Russell Kottke to go into closed session.

Second by Rodney Justman

Vote: 5-0 Motion carried.

Motion by Chairman to adjourn the meeting.

Second by Russell Kottke

Respectfully submitted,

Secretary

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