

March 20<sup>th</sup>, 2006

Board of Appeals  
Schneider Investments Group variance petition

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, March 20<sup>th</sup>, 2006, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of considering a variance petition filed by Schneider Investments Group, d.b.a. Silica Plumbing & Heating, Inc.. Members present were Chairman James Rosenthal, Barb Bertram, John Buechel, Gale Burg and Bob Holzman.

The Chairman called the public hearing to order at 7:03 p.m.. Secretary Brenda Schneider read to public notice. The public hearing was tape recorded.

Paul J. Schneider was sworn in. His testimony and responses to Board of Appeals members questions were as follows:

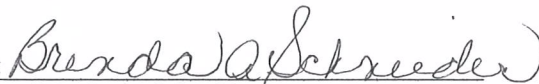
- The size of their lot limits expansion to the north or south.
- They wish to expand to the west, toward Cty. QQ, for a functional showroom and office.
- The addition is proposed to have an 83 foot setback from the center of Cty. QQ.
- The building currently does not have water or sewer service.
- A lateral stub was installed by the Sanitary District for sewer service to the building.
- The functional showroom will allow them to demonstrate the different type of showers that are now available.
- Roman Schneider's house is approximately 100 feet from the centerline and Roger Schneider's house is approximately 40 feet.
- Reducing the size of the addition by 17 feet would require the reduction of the size of the showroom and office.
- The addition is planned to be offset by 2 feet from the original building for aesthetic purposes.
- According to Paul, Roman Schneider does not have issues with the addition.
- They have purchased the land from Roman Schneider. They have also purchased some land from Alphonse Schneider.
- Parking will be along the south side of the addition to the building.
- Parking at the former Silica Appliance building is used by their employees only. The building is currently being used as a warehouse.
- Cty. QQ was widened approximately 20 years ago. Paul does not recall if the site lost any land with the road expansion.
- The addition will have a shingled roof with vinyl siding. The roofline will be lower than the existing roofline.

Gale Burg motioned to approve the variance request for a reduced front yard setback conditional upon a surveyor establishing the 83 foot setback to the building site, seconded by John Buechel. Roll call vote:

Bob Holzman	yes
Barb Bertram	yes
John Buechel	yes
Gale Burg	yes
Jim Rosenthal	yes

Motion carried (5-0).

John Buechel motioned to adjourn at 7:16 p.m., seconded by Jim Rosenthal. Motion carried (5-0).

Attest   
Brenda A. Schneider  
Board of Appeals Secretary

March 20<sup>th</sup>, 2006

Board of Appeals  
Tim's Alignment-CUP renewal

1.

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Monday, March 20<sup>th</sup>, 2006, at 7:30 p.m., at the Taycheedah Town Hall for the purpose of considering a request to renew the Conditional Use Permit issued to Tim and Laurie Krawczyk, to operate an automotive repair shop and used car dealership. Members present were Chairman James Rosenthal, John Buechel, Bob Holzman, Gale Burg and Barb Bertram. The hearing was tape-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order at 7:30 p.m.. The Secretary read the hearing notice. The Board of Appeals was made aware of a recent revision to the Zoning Ordinance allowing for the term of conditional use permits to be up to 10 years; at the discretion of the Board of Appeals.

Tim Krawczyk was sworn in. Mr. Krawczyk's testimony, including his responses to Board member questions, was as follows:

- He is requesting a renewal of his Conditional User Permit to operate an auto center and used care dealership.
- He, nor the Town, has received any complaints against his business operation.
- He is not asking for any changes to the current conditions place upon his business operation.
- He did note that the signs above the doors are yet to be done and installed.

Upon the request of the members of the Board of Appeals, Brenda Schneider explained the difference between permitted and conditional uses in the business zoning district and the industrial zoning district and the impact of both zoning classifications on Mr. Krawczyk's business.

Jim Rosenthal motioned to grant the renewal of Tim & Laurie Krawczyk's Conditional Use Permit for 10 years, noting that any changes to the conditions that may be requested by the owner will need to be approved by the Board of Appeals, seconded by Gale Burg.

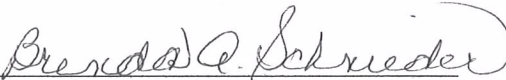
Roll call vote:

Bob Holzman	yes	
Barb Bertram	yes	
John Buechel	yes	
Gale Burg	yes	
Jim Rosenthal	yes	Motion carried (5-0).

Chairman Rosenthal directed Secretary Brenda Schneider to contact Attorney John St. Peter for advice on revoking the Conditional Use Permits issued to Ken Ogie and SBA.

Barb Bertram motioned to adjourn at 7:50 p.m., seconded by Bob Holzman. Motion carried (5-0).

Attest:



Brenda A. Schneider  
Board of Appeals Secretary



The Town of Taycheedah Board of Appeals conducted a public hearing on Wednesday, May 10<sup>th</sup>, 2006, at 7:30 p.m., on behalf of Dave & Dan Bertram and Evenson Construction Co., Inc.. The Bertram's request a termination of J&E Construction's rights under the current Conditional Use Permit for quarry operations. The Bertram's further request a transfer of said rights to Evenson Construction Co., Inc.. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Bob Holzman and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order at 7:48 p.m.. The Secretary read the notice.

**Pat Strachand, representing Evenson Construction Co., Inc., was sworn in. His testimony and responses to Board of Appeals questions were as follows:**

- Evenson operates sand and gravel quarry operations.
- Evenson wishes to establish an operation in the Fond du Lac area.
- Evenson proposes to operate the Dave & Dan Bertram quarry.
- He has read the current Conditional Use Permit and understands the conditions. He intends to follow all of the conditions and conform to all of the requirements.
- Evenson plans to place two seismographs; one at the Freund tower site and one at the Steffes property.
- He is aware of the requirement to test the well water at the farm every May and November.
- Evenson plans to have a water tanker truck at the site for dust suppression.
- He is hoping to obtain water from the farm.
- Evenson has been in business for over 50 years.
- Evenson has never had any issues or complaints against any of their 13 pits requiring a public hearing and action.
- Evenson has addressed any phone call complaints immediately.
- Evenson's other blasting operations are located at similar distances from homes in comparison to the Bertram quarry.
- Evenson does not perform pre-blast property inspections. He intends to contract with Vibro-Tech for the property surveys.
- He is aware that blasting must be coordinated with blasting activity conducted in other quarries in the Town.
- Evenson intends to contract with John Ahlgrimm, Ahlgrimm Explosives, for blasting services.
- Ahlgrimm developed a contact program in November 2003.
- Evenson has developed a Blasting Management & Response Plan; which informs Ahlgrimm of Evenson's expectations.
- Evenson has not experienced problems similar to what has happened at the Bertram quarry in the past.
- Evenson anticipates operating year round.
- The entrance gate may have an automatic locking mechanism.
- Excavation is 30-40% of Evenson's business.
- Evenson intends to produce clear stone, screenings and road-base stone.
- A majority of the products will be sold to the public.
- He is aware that Evenson will be responsible for road damage caused by heavy truck traffic.
- The scale will probably be located within the pit.
- He is aware that Evenson will be responsible for reclamation of the entire site.
- He is concerned about obtaining water from the farm. Evenson uses a 2,500 gallon water truck equipped to spray. If the material is sprayed constantly; the moisture content of the piles increases.
- He estimates the operation would need 2,000-3,000 gallons of water per day.
- He is aware that the Steffes house is for sale. Evenson intends to appease a new owner, too.
- Evenson is state certified for dust monitoring. There is always someone on staff who is certified.
- Evenson typically posts signage indicating hours of operation and speed limits by the entrance.
- In 1997, the DNR started regulating dust suppression. Crushing operations need constant watering. Evenson crushes at two other sites.

**Board of Appeals members comments were as follows:**

- The prior operator did not have respect for the parameters of the Board of Appeals or the neighbors. Mr. Stranchand portrays respect; less problems are expected.

**Audience comments:**

- Evenson will berm shut two of the three entrances into the pit.
- Dan Freund stated that water needs to be brought into the pit in order to protect the area wells; based upon the hydrology study.

**Sue Courter, Courter Resources, was sworn in. Her testimony and responses to Board of Appeals questions were as follows:**

- She is a geologist and the owner of Courter Resources for the past 15 years.
- She has been overseeing the Evenson mining operations for the past three years.
- Her job is to maintain compliance with state and local regulations.
- They have developed a Blasting Management & Response Plan for the Bertram quarry.
- Her research of the local issues regarding complaints seems to have been communication problems.
- Ahlgrimm is experienced with the Conditional Use Permit and is aware of the conditions.
- She is developing a complaint form to be used to create documentation; which is an Evenson policy. It promotes good communication. The form includes a feedback type form.
- The Plan is in draft form. Once complete, a copy will be provided to the Town and the neighbors, if desired. The policy is updated whenever a change is needed. Evenson would be willing to provide a copy when and if any complaints are received.
- Dust suppression is regulated by State and federal laws. Classes are conducted routinely on determining dust content. The classes are offered in the spring and fall of each year. Attendees are then certified for six months.
- A checklist is provided to the crushing operator. The checklist notes inspections, use of water, etc. The checklists are completed on a daily basis. Evenson initiated the checklist policy in 1997. Evenson also completes quarterly reports and an annual audit.
- Evenson contracts with Courter Resources for annual reviews and consultations for environmental management.
- Water use at a quarry is a very small amount in comparison to ag-related water uses. Water use in a quarry is also seasonal; one to one half months at a time.
- She has reviewed the construction of the well on the farm. It was installed in 1989. The well is cased into the limestone. The use of the farm well will not impact other wells. The farm well is into a different aquifer. She has not found documentation of any well problems.
- Dan Freund commented on the specifics of his well and the well on his farm. He questioned Ms. Courter about what factors would be taken into consideration when evaluating a well complaint. Ms. Courter responded that depending on the issue she would look at well construction, the location of the aquifer, surrounding well water quality and the elevation of bedrock. Shallow soils over bedrock tend to increase the incidents of ecoli contamination.
- The site is bermed for safety and to eliminate surface water from running into the quarry.
- The Bertram operation is above the water table and she can't see how any area wells could suffer from the operation.
- The crushing operation will be watered and the roads will be watered.
- In response to a question regarding how someone could prove a quarry operation affected a private well, Sue responded that baseline information and historical data regarding previous problems is helpful. Precipitation has a direct affect on wells; dry weather lowers the water level. She added that any well problems reported next to the quarry would need to be thoroughly researched to determine the cause.
- The Bertram quarry will be the smallest quarry she will work with.
- She contacted Matt Hostack, DNR, regarding dust control. He recognizes there is no on-site availability of water.



- A possible dry well claimed to have been caused by the quarry can be verified by whether or not the water comes back after pumping is stopped.
- The DNR could be contacted regarding well issues.
- Well problems usually have some history.
- This operation will not have any effect on area wells.
- A large de-watering operation could have the potential to impact a shallow well within 500' of the operation.
- The DNR requires the operation have access to water.
- They are aware of the pre-blasting notification requirements.

**Additional comments made by Pat Strachand were as follows:**

- The Bertram farm well is 645' deep, cased 400' with 160' of limestone and 200' of shale. The well draws from a different aquifer and is capable of providing a large quantity of water.
- Crushing operations last approximately 30 days per set. They usually do two sets per year for an estimated 40-60 days each.
- The stockpile of fines above the berm height could be knocked down.

**Dan Bertram was sworn in. His testimony was as follows:**

- In the past, they worked with a small operator due to a recommendation of the neighborhood; the large operator was not liked.
- All feedback regarding Evenson has been good.
- The hours of operation at the other quarry are different; which causes confusion for the customers.
- Mr. Bertram asked that the Board of Appeals consider establishing hours of operation that would be consistent for both quarries.
- The dairy operation uses water to cool the milk. The water then goes into a tank. Whatever water is not re-used in the farming operation overflows the tank and runs down a drain. He estimates 2,000 gallons per day goes down the drain. The water could be diverted to an additional tank. A tanker truck could be filled within a few minutes. Dan is sure that the farm could provide enough water for the quarry dust control. The farm has a second well that can be used as a back-up in the event the main well encounters problems.

**Tim Halbach, attorney representing Dave & Dan Bertram made the following comments:**

- The lease between the Bertrams and Mr. Eckert expired August 31<sup>st</sup>, 2005.
- The lease gave Mr. Eckert six months to remove his equipment and materials.
- Mr. Eckert did not refute the issue.

**Additional comments made by Sue Courter were as follows:**

- The quarry floor is not draining properly. She questioned the possibility of an adjustment to the depth maximum due to a need to get the water out of the pit. The only way to get the water to flow out of the pit would be to go deeper. Chairman Rosenthal suggested Evenson pay for an analysis needed to determine how to deal with the issue. He added that the Board will need to know how they will follow the benchmark.

Jim Rosenthal resolved to terminate the Conditional Use Permit issued to Bertram and J&E Construction, Inc., as of May 10<sup>th</sup>, 2006, seconded by John Buechel.

Roll call vote:

Bob Holzman	aye
Barb Bertram	aye
John Buechel	aye
Tom Friess	aye
Jim Rosenthal	aye

Motion carried (5-0).

Jim Rosenthal motioned to approve a Conditional Use Permit to Summit Quarry, LLC and Evenson Construction Inc., as of May 11<sup>th</sup>, 2006, under the following special conditions:

- The term of the permit will begin May 11<sup>th</sup>, 2006 and expire May 10<sup>th</sup>, 2016,
- The hours of operation shall mirror the hours of operation contained in the permit issued to Northeast Asphalt; more specifically stated as follows:

May 10<sup>th</sup>, 2006

Board of Appeals  
Bertram/Evenson CUP for quarry operation

4.

- 7:00 a.m. to 6:00 p.m. Monday through Friday,
- 7:00 a.m. to 2:00 p.m. on Saturday,
- Only load-out and trucking is permitted after 5:00 p.m. Monday through Friday and after 12:00 p.m. on Saturday,
- No operations are permitted on Sundays or legal holidays.
- "Operations" include the operation of any equipment used in conjunction with the quarry.
- All watering necessary for dust control during crushing activities shall be with reclaimed water,
- Evenson Construction, Inc., must provide the Town a certificate of insurance,
- Evenson Construction, Inc., must provide and maintain a \$20,000 reclamation bond.

Barb Bertram seconded the motion.

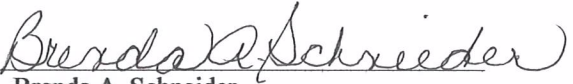
Roll call vote:

Barb Bertram	aye
John Buechel	aye
Tom Friess	aye
Barb Bertram	aye
Jim Rosenthal	aye

Motion carried (5-0).

John Buechel motioned to adjourn the public hearing at 10:50 p.m., seconded by Bob Holzman. Motion carried (5-0).

Attest.



Brenda A. Schneider  
Secretary



July 25<sup>th</sup>, 2006

Board of Appeals

1.

Michael & Lannette Diederichs setback/enlarge a nonconforming structure variance

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, July 25<sup>th</sup>, 2006, on behalf of Michael & Lannette Diederichs. Mr. & Mrs. Diederichs request a variance to Sect. 13-1-80(a)(1) of the Town of Taycheedah's Code of Ordinances to allow for the enlargement of a nonconforming structure with a reduced setbacks. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Bob Holzman and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order at 7:36 p.m.. The Secretary read the notice.

**Michael Diederichs was sworn in. His testimony was as follows:**

- They intend to build an attached garage and relocate the laundryroom, bathroom and create an exercise/gameroom within the addition.
- The concrete floor of the old detached garage had deteriorated and the doors no longer worked.
- The laundryroom room is above a crawl-space. The foundation of the crawl-space is crumbling and in need of replacement.
- The addition will be approximately 112 feet from the center of Schaefer Road. The existing house is approximately 52 feet from the right-of-way.
- The addition will have a full basement under the laundryroom/bathroom area.
- The old detached garage has been demolished.
- When the Town rebuilds Schaefer Road, it will shift closer to his house.
- The State reconstructed Hwy. 149 recently. The State widened and aligned the intersection of Schaefer Road and Hwy. 149. The center of Schaefer Road at the intersection appears to be consistent with the current location of the road.
- About nine years ago, he built a 15 foot addition to the existing house toward the west. The Town's Permit Issuer approved the permit for the addition without question.
- The addition will not further encroach the current setback from Schaefer Road.
- The addition will be approximately 60x36.

No interested or effected parties were in attendance to object or support the variance petition.


Barb Bertram motioned to grant the variance as stated, noting the addition conforms to the setbacks, seconded by Tom Friess.

Roll call vote:

Bob Holzman	aye
Tom Friess	aye
John Buechel	aye
Barb Bertram	aye
Jim Rosenthal	aye

Motion carried unanimously.

John Buechel motioned to adjourn the public hearing at 8:04 p.m., seconded by Barb Bertram. Motion carried (5-0).

Attest.   
Brenda A. Schneider  
Secretary

July 25<sup>th</sup>, 2006

Board of Appeals  
St. Peter Lions Club-size of signage variance

1.

The Town of Taycheedah Board of Appeals met on Tuesday, July 25<sup>th</sup>, 2006, on behalf of the St. Peter Lions Club. The meeting was called to order at 8:05 p.m.. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Bob Holzman and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order. The Secretary read the notice.

The purpose of the meeting was to determine whether or not substantial work was commenced within six months of the granting of the variance pursuant to Section 13-1-192(c). The Board of Appeals granted the variance on June 30<sup>th</sup>, 2005. The Club recently applied for a permit to erect the sign. The Permit Issuer is withholding the issuance of the permit pending the Board of Appeals determination.

**Bud Sabel, representing the St. Peter Lions Club, was sworn in. His testimony and responses to Board of Appeals questions were as follows:**

- Stan Freund has been working with Don Larson, Wisconsin Dept. of Transportation, for over a year.
- The DOT approved the location of the sign on the Mike & Janet Furtak property.
- The sign will be 7 ft. beyond the right-of-way.
- The DOT finally issued their permit 3 weeks ago.
- The Club intends to begin construction as soon as the Town issues the permit.
- The sign will be reflective, 30 ft high, 12 ft. above grade and parallel to the road.
- The Club will be responsible for repair and maintenance of the sign.
- The Club expects a three week construction period.

Jim Rosenthal motioned that due to the fact that DOT approval was required for the location of the sign; which involved a considerable amount of time, ample work was done to move the project along and deemed sufficient to meet the substantial work within 6 months requirement, seconded by John Buechel.

Roll call vote:

Barb Bertram	yes	
John Buechel	yes	
Tom Friess	yes	
Bob Holzman	yes	
Jim Rosenthal	yes	Motion carried unanimously (5-0).

Tom Friess motioned to adjourn the public hearing at 8:15 p.m., seconded by John Buechel.  
Motion carried (5-0).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary



The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, August 7<sup>th</sup>, 2006, at 7:00 p.m., on behalf of Dave & Dan Bertram and Evenson Construction Co., Inc.. The Bertram's request a clarification of the depth of the quarry and approval to remedy problems with the existing quarry floor. Members present were: Chairman James Rosenthal, John Buechel, Tom Friess, Bob Holzman and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order at 7:12 p.m.. The Secretary read the notice.

Pat Strachand, representing Evenson Construction Co., Inc., briefed the Board on the following issues that the Board will see during the site visit:

- The problem with the benchmarks/elevation points established by McMahon,
- The ponding problem on the quarry floor, and
- Illustrate his plan to allow for water drainage to the southeast corner of the quarry.

The Board and attendees left the Town Hall for the site visit at 7:15 p.m.

Pat Strachand explained the following at the site:

- The McMahon benchmark survey identifies the following elevation points:
  - 1017'-spike in the center of the driveway,
  - 1021'-spike in the telephone pole near the northeast corner of the quarry,
  - 1023'-spike in the telephone pole near the northwest corner of the quarry.

There is a 6' difference between the points.

- Approximately one foot of water has ponded along the west wall of the quarry.
- Pat proposes to blast lower along the south end of the quarry to allow the low area to drain away from the quarry face (west side).
- Water could then be allowed to pond in the southeast corner. Depending on the quantity, the water can be used in the crushing operations.
- There is a culvert at the southeast corner. When the ponding in the southeast corner becomes high enough, the water will drain through the culvert, under the Bertram's silage pad and out into the existing swale to the Bertram's field.
- Evenson has applied to the DNR for a stormwater permit. Depending upon the quantity of water that would drain through the culvert, they may have to test the water twice a year.

The public hearing reconvened at the Town Hall at 7:59 p.m.

**Pat Strachand, representing Evenson Construction Co., Inc., was sworn in. His testimony and responses to Board of Appeals questions were as follows:**

- The quarry floor condition is pre-existing.
- There is approximately 105' along the quarry face that is about 5 feet lower than the quarry floor.
- During the spring through June season there was a little over one foot of water ponding at the face of the west wall.
- Evenson proposes to blast to the south/southeast creating a slight decrease in the grade.
- In the past, Eckert drilled and loaded the holes; Ahlgrimm did the blasting.
- Evenson intends to hire Ahlgrimm to do the drilling and the blasting.
- The west wall is higher than 30' at its highest point.
- The new access road parallels Cty. Q along the north wall; which allows blasting to occur to the west and south.
- The new access road will reduce dust. It is approximately 40 feet wide with 6" of recycled asphalt surface.
- Putting screenings in the ponding area would create a mushy surface.
- The culvert at the southeast corner is 15". The culvert is expected to handle the surface water flow due to the small area that would drain through it.
- An area of depression to collect water for dust suppression would be created near the culvert.
- There is a 6' discrepancy between the three of benchmarks/reference points illustrated on the McMahon survey done in 2003. The benchmarks were intended to be used as reference points to set elevations.
- The north area of the quarry can be used for stockpiling materials.
- The previous operator did not maintain the integrity of the quarry floor.



- The variations in the floor's elevation are within a 5 foot band width.
- Pat believes the previous operator drilled too deep.

**Board of Appeals member's discussion was as follows:**

- The permanency of the culvert located near the southeast corner.
- Establishing a consistent reference point; possibly using the culvert location.

**Board of Appeals Chairman Rosenthal received a phone call from an interested individual who was unable to attend the public hearing. The caller had several concerns he wanted addressed. The concerns were as follows:**

- An Enders truck dumped fill in the late afternoon on a Saturday. Pat responded that the gate is not up yet; he is waiting for the final permit. Dan Bertram responded that people do bring in fill that will eventually be used for reclamation.
- A load of gravel left the quarry after hours on a Saturday. Although he doesn't recall the specific incident, Dan Bertram responded that any material leaving the quarry would have been for the Bertram's use.
- The berm is not complete. Chairman Rosenthal commented that the Board could see during the site visit that the berm has been completed.
- The caller was removed from the area for a pre-blast survey. He was instructed that if he wanted a survey; he would have to pay \$750.00. Pat explained that he has gone to great lengths to follow the ordinance; particularly in regards to the pre-blast surveys and the water testing. The ordinance requires pre-blast surveys and water testing for interested property owners within a 1000 foot radius. Also, pursuant to the ordinance, property owners beyond the 1000 feet radius may request a pre-blast survey and water test but it is the Town Board's decision as to whether or not the quarry operator will be required to pay for the costs. Detailed information was mailed to interested parties. The information informed the property owners beyond the 1000 foot radius that a pre-blast survey would cost \$225.00 and the water test would cost \$175.00. Pat added that after the mailing, he found a different company to do the water tests for \$57.00. The property owners were asked to respond by returning an enclosed postcard within a two week period. The new owner of the Steffes house, the only non-Bertram owned property within the 1000 foot radius, was not interested in having a pre-blast survey or water test done. The Schwantes' were only interested in a water test. Dan Freund called the day before the cards were due to be returned. Dan demanded an immediate return call. He was unable to return the call until approximately two hours later. He left a message for Dan. Dan never returned his call. Pat noted that the blasting notice was sent to the same individuals who received the pre-blast survey/water test information. Pat stated he believes it is important to be consistent with the ordinance.

The Secretary reminded the Board that the only purpose of the public hearing is to address the quarry floor issue.

Jim Rosenthal motioned to establish a new reference point by inserting a 1" steel rod in an area within 4 feet of the culvert opening; which is located near the southeast corner of the quarry. The top of the rod is to be 18" above the existing quarry floor. The top of the rod shall be the zero mark. The top of the rod (zero mark) is to be referenced as the lowest point in the northwest corner of the quarry. The floor along the west and south wall shall not exceed a total of 96 inches based upon this reference point. The motion was seconded by John Buechel.

**Roll call vote:**

Bob Holzman	aye
Barb Bertram	aye
John Buechel	aye
Tom Friess	aye
Jim Rosenthal	aye

Motion carried (5-0).

John Buechel motioned to adjourn the public hearing at 8:57 p.m., seconded by Barb Bertram. Motion carried (5-0).



August 7<sup>th</sup>, 2006

Board of Appeals  
Bertram/Everson CUP for quarry operation

3.

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary

August 24<sup>th</sup>, 2006

Board of Appeals  
Marcella Thome Estate-reduced road frontage variance

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Thursday, August 24<sup>th</sup>, 2006, on behalf of the Marcella Thome Estate, Roger Thome Personal Representative. Mr. Thome requests a variance to Sect. 13-1-23(b), Street Frontage, of the Town of Taycheedah's Code of Ordinances, to allow for a lot with reduced street frontage. Members present were Acting Chairman John Buechel, Tom Friess and Bob Holzman. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Acting Chairman called the hearing to order at 7:40 p.m.. The Secretary read the notice.

**Roger Thome, Personal Representative of the Marcella Thome Estate, was sworn in. His testimony was as follows:**

- Roger's father bought the property in 1946; at which time the driveway (street frontage) was two rods for a total of 33 feet.
- In 1963, Roger's father purchased another rod for a total of three rods, the current 49.5 feet.
- The driveway is .25 miles long.
- The driveway is private and maintained by the Thomes.
- Mr. Thome has no plans for another house on the property.
- Mr. Thome will be purchasing the house with 6.502 acres of land including the driveway.
- The Bertram brothers own the land on both sides of the driveway.

Brenda Schneider explained to the Board of Appeals that a certified survey map was received and reviewed by the Town Board. The Town Board had no choice but to reject the survey due to the lot failing to meet the minimum 50 foot street frontage requirement. Mr. Thome was informed that he had two options: purchase 6" from the Bertrams or apply for a variance. If the Board of Appeals approved the variance request; the Town Board will be authorized to approve the certified survey map.

Brenda further explained that the Town adopted its first Zoning Ordinance in 1975. The Ordinance was revised in both 1983 and 1998. All three versions of the Ordinance have consistently required 50 feet of street frontage.

No interested or effected parties were in attendance to object or support the variance petition.

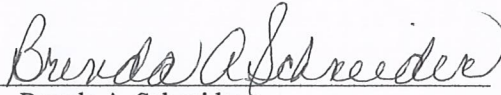
Tom Friess motioned to grant the variance allowing for a 49.5 foot driveway/street frontage, to become part of the certified survey map on the grounds that the property was established prior to the Town of Taycheedah adopting a Town Zoning Ordinance. The variance is to apply to the Thome property only. The motion was seconded by Bob Holzman.

Roll call vote:

Tom Friess	aye
Bob Holzman	aye
John Buechel	aye

Motion carried unanimously.

Tom Friess motioned to adjourn the public hearing at 7:53 p.m., seconded by John Buechel. Motion carried (3-0).

Attest.   
Brenda A. Schneider  
Secretary



November 29<sup>th</sup>, 2006

Board of Appeals

1.

Brian & Amy King setback/enlarge a nonconforming structure variance

The Town of Taycheedah Board of Appeals conducted a public hearing on Wednesday, November 29<sup>th</sup>, 2006, on behalf of Brian & Amy King. Mr. & Mrs. King request a variance to Sect. 13-1-80(a)(1) of the Town of Taycheedah's Code of Ordinances to allow for the enlargement of a nonconforming structure with a reduced front setback. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Bob Holzman and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order at 7:33 p.m.. The Secretary read the notice.

**Brian King was sworn in. His testimony was as follows:**

- They are planning a 16' x16' single-story addition with a basement.
- They plan to start the construction as soon as possible and hope to complete it before January 1<sup>st</sup>,
- There is a steep slope to the west and southwest of the house. He estimates the decline to be three feet over a 25 foot area.
- They bought the house about five years ago.
- They do not intend to sell the house in the near future.
- The addition will be the master bedroom located off of the livingroom.
- He has removed a porch and dug-in the electrical for the garage.
- They believe the home was built before 1900.

**Board of Appeals discussion was as follows:**

- The existing structure is 63' from the centerline.
- The addition is proposed to be 64' from the centerline.
- The property is zoned agricultural; subject to a 100' setback.
- If the property were zoned residential, the front setback would be in compliance.
- The Town doesn't anticipate development in the area.
- The Town does not anticipate widening the road.
- The structure pre-dates the Town's adoption of the first Zoning Ordinance.
- The owner of the property may not be able to acquire additional variance approvals in the future.

**Public comments:**

- The house is tiny and will continue to be even with the addition.
- Laurel Lane was a dead end road extending from Cty. UU until about 1964 when the Town built the north/south section intersecting with Ledge Road.

No one appeared to object to the variance petition.

The Board of Appeals noted that the addition will not further reduce the front setback.

Jim Rosenthal motioned to approve the request for a variance for a 16' x 16' addition to an existing non-conforming building presently located 63' off the center of Laurel Lane, seconded by Tom Friess.

Roll call vote:

Bob Holzman     aye

Barb Bertram     aye

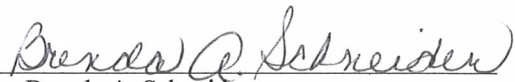
John Buechel     aye

Tom Friess       aye

Jim Rosenthal     aye       Motion carried unanimously.

Jim Rosenthal motioned to adjourn the public hearing at 8:00 p.m., seconded by John Buechel. Motion carried (5-0).

Attest.

  
Brenda A. Schneider

Secretary

January 30<sup>th</sup>, 2007

Board of Appeals  
SBA/SUBcarrier COMMunications, Inc./Victor Freund property  
Conditional Use Permit

1.

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Tuesday, January 30<sup>th</sup>, 2007, at 7:30 p.m., at the Taycheedah Town Hall for the purpose of considering the Conditional Use Permit application submitted by SUBcarrier COMMunications, Inc., to operate a telecommunications tower. Members present were Chairman James Rosenthal, John Buechel, Bob Holzman, Gale Burg and Angie Prull. Others present were Town Chairman Jerry Guelig and Dan Freund. The hearing was tape-recorded and Secretary Brenda Schneider took notes.

The Chairman called the public hearing to order at 7:37 p.m. The Secretary read aloud the public notice.

Dan Freund was sworn in. His testimony and responses to Board of Appeals members' questions were as follows:

- A conditional use permit was issued to SBA in June 2000.
- The structure is now owned by SUBcarrier COMMunications.
- SUBcarrier had contacted him on Monday to ask him if he would attend the hearing.
- SUBcarrier was not able to send a representative because they are based out of New Jersey and didn't receive the notice until Thursday.
- Dan provides weed control at the site. He submits an invoice to SUBcarrier annually.
- The lease is a total of 55 years-5 years initially with a possibility of ten 5-year extensions.
- He had to sign a new lease with SUBcarrier when they purchased the tower.

The Town Clerk sent a letter to both SUBcarrier COMMunications, Inc. and SBA, Inc., recommending a representative attends the hearing in order to obtain testimony regarding the events over the past several years. The letter sent to SBA, at the address provided by them in June 2000, was returned to sender as undeliverable. SUBcarrier did receive the letter and responded in writing. The letter from SUBcarrier, dated January 26, 2007, was read aloud.

At issue is the fact that SBA was issued a non-transferable conditional use permit for a telecommunications tower. SBA sold the tower nearly four years ago. Prior to the expiration of the permit, SBA did contact the Town Clerk regarding the pending sale and the transfer of the permit. The Clerk provided the application form to SBA. SBA failed to return the completed form and fee.

The Town is currently holding a \$40,000 bond from SBA and a \$40,000 bond from SUBcarrier COMMunications. SBA has contacted the Town Clerk several times over the past three years requesting the release of their bond. The Clerk has consistently refused to release the bond citing lack of authority and given an explanation of the process required for its release.

The Board of Appeals questioned what would constitute abandonment. The Board cited the following references contained on the conditional use permit:

- General Conditions
  - 1. Default
    - A. abandonment
  - 2. Non-Assignability
  - 4. Modification
  - 9. Renewal
- Special Conditions
  - Tower Removal

SBA and SUBcarrier must be notified of these conditions.

Jim Rosenthal motioned to direct Attorney John St. Peter to submit a letter to both of the companies to inform them that the SBA permit has expired and that the Town is initiating abandonment of the tower under Special Condition 11 and General Conditions 1a, 1b, 2, 4, 5 and 9 and any other conditions he deems necessary. Once Attorney St. Peter receives confirmation from the companies, a hearing will be scheduled not to exceed 45 days from today and SUBcarrier will be given the opportunity to apply for a Conditional Use Permit once the issues are resolved with SBA. Motion died for lack of a second.



January 30<sup>th</sup>, 2007

Board of Appeals  
SBA/SUBcarrier COMMUNICATIONS, Inc./Victor Freund property  
Conditional Use Permit

2.

Further discussion ensued regarding the Board's legal options and authority. Unanswerable questions included a need to define abandonment as it would apply to the tower, SUBcarriers rights to the existing tower, the Town's ability to remove the tower, redemption of the bond and a determination of enforcement options. Attorney John St. Peter will be asked to present an opinion to the Board of Appeals. At that time, the Board of Appeals will determine how to proceed.

Jim Rosenthal motioned to table any action on the conditional use permit to a date yet to be determined, seconded by Gale Burg.

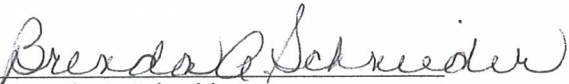
Roll call vote:

Angie Prull	yes
John Buechel	yes
Bob Holzman	yes
Gale Burg	yes
Jim Rosenthal	yes

Motion carried (5-0).

John Buechel motioned to adjourn the public hearing adjourned at 8:15 p.m., seconded by Jim Rosenthal. Motion carried (5-0).

Attest.



Brenda A. Schneider

Board of Appeals Secretary

The Board of Appeals members met for a closed session meeting on March 19, 2007, at the Town Hall. Members present were: Chairman Jim Rosenthal, Bob Holzman, John Buechel, Gale Burg and Angie Prull. Also present were Town Clerk Brenda Schneider and Attorney John St. Peter.

Call to order. The meeting was called to order at 7:00 p.m. Attorney St. Peter read the notice. Angie Prull motioned to enter into closed session at 7:04 p.m., seconded by Bob Holzman. Motion carried unanimously by roll call vote. Town Chairman Jerry Guelig was invited.

A letter was received from Attorney Claude Krawczyk, representing Sprint PCS, dated 3/15/07. SUBcarrier purchased the monopole for SBA in March of 2004. SBA never contacted the Town to seek formal approval of the Conditional Use Permit issued to SBA. Attorney St Peter advised that a legal fight could be unsuccessful.

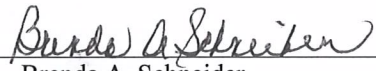
Several conditions were discussed:

- SUBcarrier must submit for renewal of the Permit within 6 months of expiration.
- The term assigned is currently 2004-2008.
- Must submit a bond in the amount of \$50,000.
- Must submit payment of \$3,000 for fees and expenses.

Attorney St. Peter was authorized to respond to Attorney Krawczyk.

Transamerica Recovery Service Inc. was discussed. The business was issued an annual junkyard license. In 1998, the re-written zoning ordinance change the business to a conditional use. Ken Ogie took the position that his business is grandfathered. The Town disagreed. A public hearing was conducted. A conditional use permit was approved with a condition that he sign a statement regarding his personal guarantee in lieu of a bond. Mr. Ogie said he couldn't get a bond. Ken refused to sign the document. The conditional use permit expired June, 2004. Attorney St Peter was at a loss as to how to get him to cooperate.

Angie Prull motioned to reconvene into open session at 8:07 p.m., seconded by Jim Rosenthal. Motion carried unanimously by roll call vote.

Attest.   
Brenda A. Schneider  
Town Clerk



March 19, 2007

Board of Appeals Special Meeting

1.

The Board of Appeals members met for a closed session meeting on March 19, 2007, at the Town Hall. Members present were: Chairman Jim Rosenthal, Bob Holzman, John Buechel, Gale Burg and Angie Prull. Also present were Town Clerk Brenda Schneider and Attorney John St. Peter.

Call to order. The meeting was called to order at 7:00 p.m. Attorney St. Peter read the notice. Angie Prull motioned to enter into closed session at 7:04 p.m., seconded by Bob Holzman. Motion carried unanimously by roll call vote. Town Chairman Jerry Guelig was invited.

Angie Prull motioned to reconvene into open session at 8:07 p.m., seconded by Jim Rosenthal. Motion carried unanimously by roll call vote.

SBA/SUBcarrier. The legal options were presented by John St. Peter. Gale Burg motioned to resolve that the SBA Conditional Use Permit be assigned to SUBcarrier, with a term to expire June, 2008, provided assignment is approve subject to receipt of \$3000 for forfeiture, fees and expenses, receipt of a \$50,000 bond, renewal application must be submitted within 6 month prior to June, 2008. Seconded by John Buechel. Motion carried (5-0).

Transamerica Recovery Service, Inc. The attorney reviewed the history. John Buechel motioned to authorize legal counsel to contact Transamerica to discuss the status of the conditional use permit. Legal counsel is authorized to acknowledge the non-conforming use status of the property. The Board of Appeals continues to believe the use should be subject to a CUP. Seconded by Gale Burg. Motion carried (5-0). Gale Burg motioned to adjourn at 8:17 p.m., seconded by Angie Prull. Motion carried (5-0).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Thursday, May 30<sup>th</sup>, 2007, at 7:30 p.m., at the Taycheedah Town Hall for the purpose of considering the renewal of the Conditional Use Permit issued to Tim & Dan Simon and Northeast Asphalt, Inc.. Members present were Chairman James Rosenthal, John Buechel, Bob Holzman, Tom Friess, and Barb Bertram. The hearing was tape-recorded and the Secretary, Brenda Schneider, took notes. The Chairman called the public hearing to order at 7:33 pm. Brenda Schneider read the notice of public hearing.

**Pete Kozak was sworn in. His testimony was as follows:**

- He is the Site Manager for Northeast Asphalt, Inc. and has served in that capacity for approximately 8 months.
- The Simons are requesting a renewal of their current Conditional Use Permit (CUP); which was issued 6/16/03 for a term of four years.
- The Simons are requesting to increase the term of the CUP to 10 years.
- He is unaware of any written complaints or major issues.
- He has all of the previous records from his predecessor. He has spent considerable time studying the documents.
- The quarry's hours of operation are Monday thru Friday, 7 am to 6 pm and Saturday, 7 am to 2 pm. Load-out and trucking only from 5-6 pm Monday thru Friday and noon-2 pm on Saturday.
- Based upon current market conditions he estimates the remaining materials in the quarry to last 10-20 years.
- He is aware of the reclamation requirements. Fond du Lac County is the enforcement agent for the areas opened after 8/1/01 and the Town of Taycheedah is the enforcement agent for the area opened prior to 8/1/01. A small area of reclamation was started this spring.
- Northeast and Evenson have developed good communication regarding the scheduling of blasting activity so that it doesn't occur within 48 hours of either quarry. They include each other when sending written notices. They also call each other if necessary.
- In April, 2007, he received a phone call from a nearby property owner. The owner was concerned about his basement block wall. He met with Chuck Raynor. He looked at the wall. He followed-up the meeting with a certified letter. Mr. Raynor did not claim the letter so the Post Office returned it to him. There has been no further contact from Mr. Raynor.
- The Town Clerk does not recall any complaints.

**Chuck Maxwell was sworn in. His testimony was as follows:**

- He has been blasting in the quarry since 1993 or 94.
- He is aware of the notice and blasting requirements.
- They have developed a Notification List. Notices are sent stating that blasting activity will occur over a specific period of time.
- Shots are adjusted based upon the seismograph readings at the closest dwelling. All shots have been well below the maximum allowable level.
- Three seismographs are set-up for all blasts. One each at the former Lambrecht property, the Orville Freund property and at the Wollersheim property.
- He is aware of Chuck Raynor's complaint. He also received a call from Mr. Wollersheim last year. Mr. Wollersheim thought the blasts were a little strong. The weather can make blasts feel stronger even though they aren't.
- Pre-blast inspections are done on a six year cycle.
- He or his assistant, Brian Young, blast Monday thru Friday from 7 am to 5 pm. They don't blast on Saturdays.



May 30<sup>th</sup>, 2007

Board of Appeals  
Tim & Dan Simon Conditional Use Permit Renewal

2.

**Tim Simon was sworn in. His testimony was as follows:**

- The current hours of operation are acceptable.

John Buechel motioned to renew the Conditional Use Permit issued to Tim & Dan Simon and Northeast Asphalt, Inc., for a term of 10 years, with hours of operation to continue as Monday thru Friday, 7 am to 6 pm, with load-out and hauling only from 5 pm to 6 pm and Saturday, 7 am to 2 pm, with load-out and hauling only from 12 pm to 2 pm, seconded by Bob Holzman. Roll call vote:

Barb Bertram     yes

John Buechel    yes

Tom Friess       yes

Bob Holzman     yes

Jim Rosenthal    yes

Motion carried (5-0).

Barb Bertram motioned to adjourn the public hearing at 7:58 p.m., seconded by John Buechel.  
Motion carried (5-0).

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk  
Appeals Board Secretary

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Thursday, May 30<sup>th</sup>, 2007, at 8:00 p.m., at the Taycheedah Town Hall for the purpose of considering the issuance of a Conditional Use Permit to Carew Concrete & Supply, Co., Dan & Dave Bertram and Evenson Construction Co., Inc.. Members present were Chairman James Rosenthal, John Buechel, Bob Holzman, Tom Friess, and Barb Bertram. The hearing was tape-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order at 8:05 pm. Brenda Schneider read the notice of public hearing.

**Dan Bertram was sworn in. His testimony was as follows:**

- Dan & Dave bought the quarry from their mother three years ago.
- Evenson began operating the quarry one year ago.
- Dust control issues were the only complaints he has received in the last two years.
- Water is now supplied for dust control by using reclaimed water from the farm. The process works excellent.
- Evenson installed a timed gate.
- The scale house is certified.
- Hours of operation are Monday thru Friday, 7 am to 6 pm and Saturday, 7 am to 2 pm. Load-out and trucking only after 5 pm Monday thru Friday and after 12 pm, Saturday.
- Notices of blasting activity are sent certified.

**Pat Strachan was sworn in. His testimony was as follows:**

- The quarry is operating under the present permit.
- He received a verbal complaint from a neighbor that blasting occurred at 6:20 a.m. last August. Until that incident, he was not aware that the blaster had keys to the gate. The keys were taken away from him. He now must wait to access the quarry until after the gate opens.
- A notification list has been compiled. Brenda Schneider is asked to review it each year.
- The benchmark height for the pit floor has been established by a pink rod located near the culvert.
- The gate and scale are working well. Both are fully automatic and can be operated by phone if necessary. The scale is computerized. Date, time and contractor information is automatically sent to the office by computer. Recently, one truck was on the scale when the gate closed. The truck stayed on the scale overnight. It is impossible to leave the pit without driving through the gate. Dan & Dave Bertram are the back-up in the event of a power outage. There was a glitch this spring due to daylight savings time starting one week earlier. The Bertram's are able to unlock and manually open the gate. Only he can open the gate by phone.

**John Carew was sworn in. His testimony was as follows:**

- Carew Concrete is a ready mix concrete business; which is a family-owned business that began in 1977.
- Carew operates 17 plants in the Northeast and central Wisconsin area.
- Carew also is in the aggregate, trucking, concrete placement and building materials business.
- Carew has been recognized by both the National Ready Mixed Concrete Association and the Wisconsin Ready Mixed Concrete Association for safety.
- He is the current Chairman of the Operations, Environmental and Safety Committee for the National Ready Mixed Concrete Association and his associate Chad Kaster is the current co-chairman of the Wisconsin Ready Mixed Concrete Association Operations, Environmental and Safety Committee.
- The Wisconsin Association has awarded Carew with numerous concrete design awards for concrete projects. The largest project design award was for the concrete provided for the Lambeau Field renovation.
- Boldt Construction recently awarded Carew a purchase order to furnish ready mix concrete for the Blue Sky Green Field Wind Farm Project.
- Construction is tentatively set to begin in mid June with completion of concrete work by the end of November.



- Carew requests a temporary conditional use permit for the placement and operation of a ready mix concrete plant adjacent to the Bertram/Evenson Quarry. The site is ideal due to the proximity of the supply of limestone aggregate and to the wind farm project.
- Carew also plans to sell ready mix concrete to the public.
- Concrete is composed of water, cement, fine and coarse aggregate.
- Ready mix concrete batch plants store, measure, convey and discharge these constituents into trucks for transport to the job site. The truck mixes the materials while in route to the job site.
- Carew intends to abide by all state and local regulations relative to noise and dust/air quality.
- Carew has established procedures for dust suppression.
- They plan to draw water from two additional holding tanks supplied with reclaimed water from the Bertram's dairy farm operation. The farm is expected to supply two 6-10,000 gallon tanks of water per day; which is expected to be adequate. However, the back-up plan is the bring water in by truck if necessary.
- Their general hours of operation are 6 am to 6:30 pm Monday thru Friday, and 6:30 to noon on Saturdays. However, Boldt Construction feels they can work within the currently established hours of operation for the quarry.
- The site can be accessed by any of the three existing driveways. Dave Beaster, Fond du Lac County Highway Dept. has been contacted. He has agreed to review and approve the site access prior to the commencement of plant operations. Proper signage will be erected.
- Carew will file with the DNR a Notice of Intent-Stormwater Plan.
- The plant is proposed to be adjacent to the quarry. The location where farm equipment is currently parked. They will need a 2-3 acre area.
- The plant operation area is approximately 100' x 200'. The conveyor that feeds the plant is approximately 100' long. The bin/silo structure will need approximately 100' x 40' area, depending upon the silo location.
- The plant will have three open-air bins that will be filled with sand and aggregate by the conveyor. Closed silos will be located adjacent to the bins. The silos will contain cements and related products; which are hauled to the site in bunkers. These products can not be exposed to open air or moisture.
- A portion of the berm will be temporarily removed. Stone will be stockpiled in the berm area. He estimates as much as 1000 yds. will be stockpiled daily.
- Boldt is estimating concrete for one turbine per day with all of them planned to be done by the end of November. He estimates 10-350 yards of concrete per turbine. Due to high bedrock, some of the bases will need to be in a pyramid form. Approximately 55' square up to 7' square at the surface. It takes about 6 minutes to unload a truck. One to two trucks should be able to unload at the same time.
- He does not foresee any problems meeting the demands of the project.
- He anticipates periodically needing to perform maintenance on the plant and trucks beyond the hours of operation; such as welding and parts replacement.
- Typically, they would want to dismantle the plant in November; before deer hunting season. He requests a temporary permit with a term to expire 12/31/07 to allow for the dismantling, removal and replacement of the berm.
- Some trucks will be stored at this plant and the remainder will be stored at the Fond du Lac plant. He anticipates storing five trucks at the site.
- All orders will go to the Fond du Lac plant; which serves as a central dispatch. Dispatch will then radio orders to this plant. The truck traffic is expected to be from 0-100 loads per day.

**Responses to public questions were as follows:**

- The number of gallons of water that will be needed depends upon the mix, other reducers and the amount of water in the truck from the last load. He anticipates needing as much as 15,000 gallon per day. The tanks will fill 24 hours/7 days a week. The use potential is no more than five days of production; depending upon the weather. The water runs through the plate-chiller during milking. The Bertram's milk 21 hours per day. The Bertram's plan to supply the cattle with cold water during the summer. The well draws from the sandstone level. It is cased 490 feet; drawing 600-700 feet below the surface. The well draws much lower than the other wells in the area. The extra use will be good for the well mechanically.
- The chemicals added to the mixtures affect the setting-up of the concrete. The chemicals are non-hazardous materials. Carew has Spill Prevention Plans that would be initiated to contain spills.
- The project contains 88 turbines.
- A Reclamation Plan and bond submittal to the Town does not apply to this operation. Fond du Lac County regulates reclamation for areas opened after 8/1/01. In addition, the concrete plant will not need to open a quarry.

**Dan Freund was sworn in. His comments were as follows:**

- The public notice states that the quarry site is 15.08 acres but the original permit states the parcel to be 11.25 acres.
- The property is not zoned for commercial use and the ordinance does not allow hot mix asphalt plants or ready mix concrete plants.
- There is no benefit to the Town of Taycheedah. Calumet and Marshfield will benefit.
- There is a potential to harm the Town due to possible damage to the Town's roads. The Town needs a guarantee for road repairs.

**Responses to Mr. Freund's statements were as follows:**

- The legal description of the parcel has always been 15.08 acres. However, after removing the road right-of-way and additional setback required for blasting activity, the quarry-able area of the parcel is 11.25 acres.
- Mr. Freund was quoting from an outdated Zoning Ordinance. The Town Board changed the zoning classification for quarry operations to Agriculture due to a concern that once the quarry is exhausted, the land could be used for other industrial uses. Making the change would keep the land in agriculture and eliminate a potential for conflicting uses. Also, Section 13-1-73(d)(3), of the current Zoning Ordinance, allows hot mix asphalt plants and ready mix concrete plants only with Board of Appeals approval after a public hearing.
- The Town benefits by real estate and personal property taxes and well as a potential for a reduced price for concrete.
- The plant will be located along a County road. If Carew had to supply concrete from the Fond du Lac plant, the trucks would still need to run on some Town roads. The trucks are subject to weight limits, which are subject to law enforcement.

**Board of Appeals discussion was as follows:**

- Consensus that trucks will not be allowed to leave the site after the hours of operation. However, there was extensive discussion regarding what length of time should be allowed beyond the hours of operation for the return and storing of the trucks at the site?
- Consensus that small repairs to equipment would be acceptable after the hours of operations as long as the trucks do not leave the site.



May 30<sup>th</sup>, 2007

Board of Appeals  
Carew/Evenson/Bertram Conditional Use Permit

4.

Jim Rosenthal motioned to approve a temporary Conditional Use Permit to Carew Concrete & Supply, Co., Evenson Construction Co., Inc., Dan & Dave Bertram d.b.a. Summit Quarry, under the following conditions:

- The permit will expire 12/31/07.
- The Town must be notified no less than 28 days prior to the expiration if an extension is needed.
- There will be no loads departing beyond the existing hours of operations for the quarry.
- At no time will a truck re-enter the site beyond two hours after the close of the hours of operations for that day.
- The operation must follow the existing Dust Control Plan for the quarry.
- The operation must use reclaimed water from the Bertram farm or have water trucked to the site.
- Carew must provide a certificate of insurance.
- The berm may be removed for the concrete plant. However, the berm must be replaced to a state of rough-grading by the expiration of the permit. Fine grading and seeding shall be completed by 6/30/08.

The motion was seconded by Barb Bertram. Roll call vote:

Bob Holzman	yes
Tom Friess	yes
John Buechel	yes
Barb Bertram	yes
Jim Rosenthal	yes

Motion carried (5-0).

John Buechel motioned to adjourn the public hearing at 9:35 p.m., seconded by Tom Friess.  
Motion carried (5-0).

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk  
Appeals Board Secretary

June 13<sup>th</sup>, 2007

Board of Appeals  
Witt-oversized accessory structure variance

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Wednesday, June 13<sup>th</sup>, 2007, on behalf of Rueben Witt. Mr. Witt requests a variance to Section 13-1-140(b)(3) of the Town of Taycheedah's Code of Ordinances to allow for an accessory structure that exceeds the maximum square footage and the maximum sidewall height. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order at 8:45 pm. The Secretary read the notice.

**Rueben Witt was sworn in. His testimony was as follows:**

- He proposes to build a 36'x48' detached accessory structure. The structure will exceed the maximum size by 364 square feet. He also proposes to build the structure with 12' sidewalls; 2' over the maximum height.
- His lot is 1.94 acres; which would allow him a 1,364 sq. ft. detached accessory structure.
- The purpose of the building is for storage of a 32' camper and a catamaran with a 28' mast and an 8' beam.
- He is a proponent of eliminating blight and supports the proper storage of possessions.
- Inside storage greatly reduces the impact of harmful sun rays.
- The building would be solely for personal use.
- The camper is 90" wide and 11'4" high.
- He would also store a crew cab pick-up, a couple of tractors and four wheelers in the structure.
- His existing attached garage is 24'x24'. The sidewalls are less than 12'.
- The side yard setback from the house to the north property line is 50'.
- The sewer lateral is approximately 40' north of the house.
- He plans to replace the travel trailer for an RV and he plans to purchase a larger boat.
- His neighbor to the south obtained fill from the sewer project. He has increased the grade by approximately 6'. His neighbor also plans to build a shed near his property. The shed will obstruct the view of his proposed structure.
- The proposed structure is would have a 15' setback from the east property line and a 40' setback from the south lot line.
- He plans to construct the building with post framing and conventional siding. Eventually, he plans to concrete the floor.
- The roof pitch of the house is 6:12. The roof pitch of the proposed structure would be 8:12.

**Board of Appeals members' discussion was as follows:**

- Scissored trusses could be used in order to gain more interior height.
- He could put construct a larger attached garage for additional storage.
- The sidewalls are measured from the inside. The building could be sunk 2' below grade.
- His hardship is self-imposed.

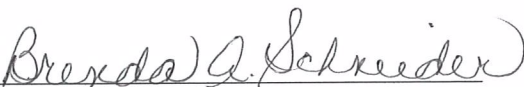
Jim Rosenthal motioned to deny Mr. Witt's request for a variance due to lack of hardship, seconded by John Buechel.

**Roll call vote:**

Barb Bertram	aye	Tom Friess	aye
John Buechel	aye	Gale Burg	aye
Jim Rosenthal	aye	Motion carried unanimously (5-0).	

John Buechel motioned to adjourn the public hearing at 9:35 p.m., seconded by Gale Burg. Motion carried (5-0).

Attest.

  
Brenda A. Schneider  
Secretary



## Todd Sikora-front and side setbacks and minimum sq. ft. variance

The Town of Taycheedah Board of Appeals conducted a public hearing on Wednesday, June 13<sup>th</sup>, 2007, at the request of Todd Sikora. Mr. Sikora requests a variance to Section 13-1-24(f)(3)(a), Highway Setbacks, Section 13-1-48(d)(6)(a), Side Yard Setbacks, and Section 13-1-48(d)(4), Ground Floor Area, of the Town of Taycheedah's Code of Ordinances, to allow for the addition of a home to an existing garage that would have a reduced front setback, a reduced side yard setback and would fail to meet the minimum square footage requirement for a one-story home. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the public hearing to order at 7:35 p.m.. The Secretary read the notice.

**Todd Sikora was sworn in. His testimony was as follows:**

- He plans to demolish the existing cottage; which is approximately 70 years old.
- The existing cottage was built for seasonal use. It has plumbing and electrical problems.
- The existing cottage is too close to the lake.
- He also plans to demolish a small shed currently located on the property.
- He is divorced and lives alone. Therefore, he only needs one bedroom.
- The proposed house will have a 10-foot side yard setback. However, the existing garage has a 3'2" side yard setback.
- The house will be on a footed slab with masonry block and steel beam construction.
- On May 16<sup>th</sup>, the Fond du Lac County Shoreland Zoning Board of Appeals approved a variance. The 30 day waiting period for DNR comments has expired.
- The property is located on the private portion of Deadwood Point Road.
- He may side the garage in the future. It does need new shingles.
- Wetlands are located across the road from his property.
- The grade of the lot in the area of the proposed house will need to be raised out of the floodplain. He will need to fill to a gradual slope; then plant with sod. The garage floor is at the floodplain level. He has not experienced flooding problems. Swales to the lake will run along the north and south lot lines.
- The property has been in his family since 1964-65. He has been living in the cottage for three and a half years.
- The new home is planned to be single-story with 768 square feet of living space. There is a loft above the garage.
- He plans to contract with Braun Home Construction. He hopes to have the house completed by winter.

Chris Bastian, neighbor to the north, was in attendance. He stated no objection to Mr. Sikora's proposal.

**Public comment:**

- Harold Schmitz, second house to the south, is concerned about water. There is a 4' swale between Deadwood Point and Minawa Beach. The swale drains the swamp. Water from the east goes into the marsh, then to the swale at Minawa, then out to the lake. Mr. Schmitz wants to see assurances that property owners will not fill the swale over time.
- The response to Mr. Schmitz's concern was that an engineer will design the drainage plan for the property. Water currently runs from the road to the swamp. The road is not paved in the area of the Sikora and Schmitz properties.

Appeals Board members discussed the inability to meet both the lakeside setback and the road setback due to lack of sufficient depth of the lot.

Gale Burg motioned to deny the request for the house addition due to the inability to meet the minimum square footage. Motion died for lack of a second.

June 13<sup>th</sup>, 2007

Board of Appeals

2.

Todd Sikora-front and side setbacks and minimum sq. ft. variance

Mr. Sikora commented that he could possibly increase the square footage to 832. The minimum is 900 sq. ft. for a single-story home. Increasing the square footage to the minimum may jeopardize the County approved variance.

Gale Burg motioned to postpone a decision for additional information due to failure to meet the minimum square footage. Motion failed for lack of a second.

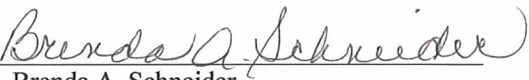
Jim Rosenthal motioned that due to the limitations of the lot, they approve the variance requested for a minimum of a 704 square foot, single-story home addition to the existing garage. The entire structure will have a 3'2" side yard setback, a 15' front setback. The side yard drainage shall be maintained as to not obstruct flow and future improvements to the garage shall be made. The motion was seconded by Tom Friess.

Roll call vote:

Barb Bertram	aye	
John Buechel	aye	
Tom Friess	aye	
Gale Burg	aye	
Jim Rosenthal	aye	Motion carried unanimously (5-0).

John Buechel motioned to adjourn the public hearing at 8:44 p.m., seconded by Barb Bertram. Motion carried (5-0).

Attest.

  
Brenda A. Schneider  
Secretary



The Town of Taycheedah Board of Appeals conducted a public hearing on Thursday, June 28<sup>th</sup>, 2007, for the purpose of determining whether or not a variance previously granted remained valid. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order at 7:32 p.m.. The Secretary read the notice.

**Background:** A public hearing was conducted on November 3<sup>rd</sup>, 2005, at the request of John Rixen. Mr. Rixen requested a variance for a 12' x 21' addition for handicap accessible bathrooms, 20' x 20' kitchen expansion and a 12' x 22' walk-in cooler/storage addition to the restaurant known as Fisherman's Cove. The building has a 58'9" setback from Hwy. 151 and a 75'6" setback from Fisherman's Road. The variance was approved unanimously. Mr. Rixen did not apply for a building permit.

Recently, Bryan Perl, representing PMT Holdings Corp., attempted to obtain a building permit for the cooler. Brenda Schneider, Permit Issuer, denied Mr. Perl's request for a building permit due to Section 13-1-192(c) *Variances, substitutions or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.*

The Board of Appeals needs to determine what constitutes substantial and whether or not the variance has expired.

**Bryan Perl was sworn in. His testimony and responses to Board of Appeals questions were as follows:**

- John Rixen is the owner of the property.
- On 6/1/07, PMT Holdings, Corp., entered into a one-year lease with an option to buy after one year.
- PMT has three partners.
- The Town Board has approved a liquor/beer license for PMT. Thad Paul is the agent.
- They propose to install a cooler on the south side of the building; in the same location that Mr. Rixen planned. The cooler is slightly smaller than the one Rixen proposed.
- They do not plan to construct the kitchen or bathroom additions during the lease period.
- The cooler is a temporary/mobile structure. It can be removed at any time. They do not plan to enclose it or attached it to the building.
- They plan to cut a door into the building in order to create an exit near the cooler.
- They opened Fisherman's Cove earlier in the week.
- Mr. Perl believes it will take a couple of weeks to completely install the cooler.

**The Board of Appeals members made the following comments:**

- Additional work in the future will require additional variances.
- Cutting in the door may require state approved plans and permit.
- The building is a non-conforming structure.
- The Board of Appeals approved a similar variance in 2005.

Jim Rosenthal motioned to approve the request for the mobile cooler at the south side of the building. The cooler may not exceed 192 sq. ft. John Buechel seconded the motion.

**Roll call vote:**

Barb Bertram	aye
John Buechel	aye
Tom Friess	aye
Gale Burg	aye
Jim Rosenthal	aye

Motion carried (5-0).

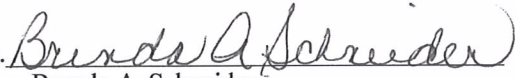
Chairman Rosenthal reminded Mr. Perl that he must secure all necessary permits and he must begin work within 6 months.

June 28<sup>th</sup>, 2007

Board of Appeals  
Fisherman's Cove-validity of a variance

2.

Gale Burg motioned to adjourn the public hearing at 7:47 p.m., seconded by Barb Bertram.  
Motion carried (5-0).

Attest.   
Brenda A. Schneider  
Secretary



June 28<sup>th</sup>, 2007

Board of Appeals

1.

Marty & Dena Entringer-reduced setbacks/enlarge a nonconforming structure variance

The Town of Taycheedah Board of Appeals conducted a public hearing on Thursday, June 28<sup>th</sup>, 2007, on behalf of Marty & Dena Entringer. Mr. & Mrs. Entringer requests a variance to Sect. 13-1-80(a)(1), Existing Non-conforming Uses; and Section 13-1-42(d)(6)(a), Side Yard Setbacks, of the Town of Taycheedah's Code of Ordinances to allow for the enlargement of a nonconforming structure with a reduced front setback and side yard setback. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order. The Secretary read the notice.

**Marty Entringer was sworn in. His testimony was as follows:**

- The property had a detached garage with a 5 foot side yard setback. The detached garage has been removed. The frost walls were crumbling.
- The detached garage was 24' x 26' with short sidewalls.
- He proposes to build an attached garage.
- The front setback of the existing home is 60 feet. The addition would not further impede the front setback.
- The garage addition is planned to include an 8' x 8' laundry room.
- The addition will have poured walls.
- The front of the addition is proposed to be 26' wide. He plans to install an 18' garage door and a service door.
- The grade will slope approximately 1:5 between the proposed garage and the side lot line.
- The home was built approximately 90 years ago.
- The garage is approximately 1,240 sq. ft.
- He plans to build 1 ft. overhangs on the garage.
- The west side yard is 28'. The only obstruction is a large tree near the location of the proposed deck. The sewer lateral is also located in the west side setback. He does not plan to plant trees or create any other obstruction in the west side yard.
- The cement slab from the detached garage is still on site.
- Their well is located 2-3 ft. away from the house on the east side.
- The rear yard has power poles located within a utility easement.
- The proposed addition would be approximately 10 feet from the neighbor's home. The neighbor's home is situated ahead of the location of the proposed garage.
- He plans to store his pick-up, Dena's SUV and his mini-crawler in the garage.

**The Board of Appeals comments were as follows:**

- Discussed reducing the width to 22 feet; which would allow for a 9 foot side yard setback.
- The typical garage width is 24 feet for a two-car garage.
- An attached garage would provide a higher level of safety when accessing the house.
- The attached garage will improve the appearance of the structure.
- A 24 ft. wide garage would allow for a 7 foot side setback; enough room for emergency vehicles.

**Barb Bertram motioned to approve the variance requested for a 26 feet wide garage addition based upon the former detached garage having a 5 foot side yard setback, under the condition that the Town would not be held liable in the event of any future conflicts that may be caused by any change in the location of the road right-of-way of Cty. WH. The motion was seconded by Tom Friess.** (At this time, the Secretary's tape recorder malfunctioned. The remainder of the hearing is not recorded on tape.)

Roll Call vote:

Gale Burg	nay	John Buechel	nay
Barb Bertram	aye	Tom Friess	aye
Jim Rosenthal	nay		

Motion failed (2-3).

June 28<sup>th</sup>, 2007

Board of Appeals

2.

Marty & Dena Entringer-reduced setbacks/enlarge a nonconforming structure variance

**Gale Burg motioned to approve a variance for an addition with the south wall not to exceed 24 feet in width, seconded by John Buechel.**

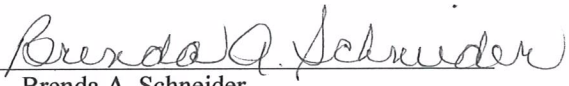
Roll call vote:

Barb Bertram     aye  
Tom Friess       aye  
Gale Burg         aye  
John Buechel     aye  
Jim Rosenthal    aye

Motion carried (5-0).

Mr. Entringer was informed that construction must begin within six months.

John Buechel motioned to adjourn at 8:45 p.m., seconded by Gale Burg. Motion carried (5-0).

Attest.   
Brenda A. Schneider  
Secretary



The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, July 16<sup>th</sup>, 2007, at the request of Gary & Kathy Schneider. Mr. & Mrs. Schneider request a variance to Section 13-1-24(f)(3)(a), Highway Setbacks, of the Town of Taycheedah's Code of Ordinances, to allow for the construction of a home with a reduced front setback of 26 feet; which would fail to meet the minimum setback of 75 feet. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the public hearing to order at 7:32 p.m.. The Secretary read the notice.

**Gary & Kathleen Schneider were sworn in. Their testimony was as follows:**

- Their property is located at N9106 Welling Beach Road.
- They intend to remove the mobile home and replace it with a stick-built home.
- The mobile home is 16'x60' and is used seasonally. It has a 30 foot front setback. The Board of Appeals approved a variance for the reduced front setback on Sept. 13, 1996.
- They intend to build a permanent, year-round 2-story home with an attached garage. They are planning on a home that is 24' x 64'; which includes a garage 22 feet in depth. They request approval for a 26 foot front setback. The sideyards are planned to total 26 feet. The home will have a crawlspace with footings and frost-walls.
- The County has indicated that it is unlikely that the elevation will need to change.
- The drainage for the lot was established in 1998. There are swales with drainage pipes on both sides.
- He believes he does not contribute surface water to his neighbors' properties.
- They are the third generation in the family to own the lot.
- The house will have gutters with 2 foot overhangs.
- The existing deck on the south side of the mobile home will be eliminated.
- There are 12 homes on the street. Their lot is the sixth one.
- The new home is planned to have an 8 foot patio on the lakeside of the home.
- The lot is a small lake lot that is limited due to the lake setback and the location of the private road.
- There are three two-story, year-round homes on the road. They would prefer a ranch-style home but the lot isn't large enough.

**Public comment:**

Heinz Youngman, neighbor to the north, was in attendance. He stated objection to the front setback being reduced by an additional four feet. He stated that he no longer gets the breeze or the view. He is concerned about drainage because the Schneider property is six feet higher than his property. The new home will be five feet closer to the side lot line. The lot slopes to the lot line and has no swale. He did comment that standing water disappears in a couple of hours.

Gerry Buntrok, neighbor to the south, was also in attendance. He does not object to reducing the front setback by four feet; but would object to reducing the lake setback. He informed the Board members that the only problems from surface water drainage are from the farm fields.

Mr. Buntrok also asked questions about the maintenance of private roads.

Exhibit A was submitted-a letter of support from Robert and Nicole Krahn.

**Gary & Kathleen Schneider's responses to comments made by the public were as follows:**

- In 1998, when they put in the mobile home, the County required them to increase the elevation of the lot.
- The swale and drain work well. Sometimes it handles water from the Youngman property.

July 16<sup>th</sup>, 2007

Board of Appeals  
Gary & Kathy Schneider-front setback variance

2.

Appeals Board members discussed the possibility of reducing the 8 foot patio in order to increase the front setback by 2-3 feet, the need to have enough clearance in the roadway area for emergency vehicles to be able to pass each other, the minimum lakeside setback allowed by Shoreland Zoning is 50 feet so long as there is a 35 foot vegetative buffer established and reducing the garage to 20 feet deep would be very tight.

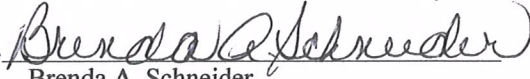
**Barb Bertram motioned to approve the request for a 26 foot front setback citing a hardship based upon the limitations the small lot creates on building a house that would conform to the existing ordinance; under the condition that the Town will not be held liable in the event of any future conflicts that may be caused by any change in the location of the road, seconded by Tom Friess.**

Roll call vote:

Gale Burg	aye	
John Buechel	aye	
Tom Friess	aye	
Barb Bertram	aye	
Jim Rosenthal	nay	Motion carried (4-1).

Gale Burg motioned to adjourn the public hearing at 8:22 p.m., seconded by John Buechel. Motion carried (5-0).

Attest.



Brenda A. Schneider

Secretary



August 27<sup>th</sup>, 2007

Board of Appeals  
Janet Velasco-front setback variance

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, August 27<sup>th</sup>, 2007, at the request of Janet Velasco. Mrs. Schneider request a variance to Section 13-1-24(f)(3)(a), Highway Setbacks, of the Town of Taycheedah's Code of Ordinances, to allow for the re-construction of a garage with a reduced front setback of 77'8". Members present were Chairman James Rosenthal, John Buechel, Tom Friess and Barb Bertram. Member Gale Burg was absent. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the public hearing to order at 7:32 p.m.. The Secretary read the notice.

**Janet Velasco was sworn in. Her testimony was as follows:**

- Their property is located at N7792 Cty. WH.
- She plans to remove the existing garage and re-build a garage attached to the art studio.
- There currently is a 22" gap between the existing garage and the studio.
- The new structure would be 36' x 24'; 8' longer than the existing building.
- She plans to install plumbing in the room planned to be located between the garage and the studio.
- The new building would maintain the 77'8" front setback.
- There are steep slopes within 3' of the back of the garage.
- The house has an approximate front setback of less than 30'.
- She has obtained Town Board approval to operate a ceramics shop on her property.
- She plans to install parking off of the driveway to the north. The area is expected to fit 6-8 cars.
- The existing garage is in poor condition. One of the walls is rotting.
- The small centrally located room is planned for the kiln and dipping glazes.
- She hopes to build a deck off the back of the studio. The framing was built by a previous owner.

**Public comment:**

R.J. Troudt, N7817 Cty. WH, believed the accessory structure also needed a variance to exceed the maximum square footage. It was noted that the property is not subjected to square footage limitations due to the business zoning approved by the Town Board.

**John Buechel motioned to grant the variance for the construction of a garage attached to the existing art studio, due to the deteriorating condition of the existing garage and due to the fact that the new structure will not further impede upon the current setback, seconded by Barb Bertram. It was noted that the steep slopes behind the garage prohibit compliance with the minimum front setback.**

**Roll call vote:**

Tom Friess	aye
Barb Bertram	aye
John Buechel	aye
Jim Rosenthal	aye
Gale Burg	absent

Motion carried (4-0).

John Buechel motioned to adjourn the public hearing at 7:55 p.m., seconded by Jim Rosenthal.  
Motion carried (4-0-1 absent).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, October 9<sup>th</sup>, 2007, at the request of Paul & Debra Meixensperger. Mr. & Mrs. Meixensperger request a variance to Section 13-1-48(b)(2), Lakeside Single-Family Residential District, Manufactured Homes, Requirements and Limitations, of the Town of Taycheedah's Code of Ordinances, to allow for the replacement of a mobile home with another mobile home. Members present were Acting Chairman John Buechel, Gale Burg and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Acting Chairman called the public hearing to order at 7:30 p.m.. The Secretary read the notice.

**Paul Meixensperger was sworn in. His testimony was as follows:**

- Their property is located at N9090 Welling Beach Road.
- They intend to replace the mobile home with a newer mobile home.
- The current mobile home is more than 30 years old.
- The current mobile home is 12'x48'. The newer mobile home is 16'x60'.
- The lot is tight; long and narrow. A variance would be needed from the County and Town in order to build a stick-built home. They would have an issue with the County's 25% impervious surface rule.
- The square footage of the newer mobile home is 960. The roof pitch is substandard and the eaves are only 6"; half the minimum required in the ordinance for manufactured homes. The roof is shingled.
- The newer mobile home will have a block foundation under it.
- Eugene Emery was granted a variance for the current mobile home in 1971. The variance had a term of 10 years. Mr. Emery is Mr. Meixensperger's father-in-law.
- The newer mobile home belongs to Gary & Kathy Schneider; another family member. The Schneiders are replacing their mobile home with a stick-built home. The newer mobile home would be moved to the site from N9106 Welling Beach Road.
- The fuel tanks would be removed. Natural gas would be extended to the newer mobile home.
- They are not ready financially to build a stick-built home. The proposal is an attempt to upgrade within their constraints.
- There isn't enough room within the required minimum sideyard setbacks to build an addition to the mobile home in order to meet the minimum square footage.
- The mobile home will have steps made of treated wood. The steps will not be on the foundation.
- The mobile home will have a crawl space. The foundation will be a floating slab with foundation block under the entire home.
- If approved, it will be the only mobile home in the area. There are 3-4 fairly new homes nearby.
- They wouldn't be considering replacing the existing mobile home if it weren't for the possibility of swapping it with the newer one just down the street.
- They claim their hardship is the inability to make anything else fit on the lot and the current home has a limited life. Without a variance, they would be forced to remove the home and have nothing more than a vacant lot.

Jim & Cheri Basler, immediately to the north of the site, acknowledges being a family member, are in support of the proposal.

Appeals Board member Gale Burg commented that the new restrictions currently under review by the DNR will make any project more challenging.

**Barb Bertram motioned to approve the request to replace the existing mobile home with a newer mobile home, citing constraints of the lot and the owner's attempt to beautify the area, seconded by Gale Burg.**



October 9<sup>th</sup>, 2007

Board of Appeals  
Paul & Debra Meixensperger-mobile home variance

2.

Roll call vote:

Gale Burg	aye
Barb Bertram	aye
John Buechel	aye

Motion carried (3-0-2 absent).

Gale Burg motioned to adjourn the public hearing at 7:51 p.m., seconded by Barb Bertram.  
Motion carried (3-0-2 absent).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, October 9<sup>th</sup>, 2007, on behalf of Northeast Asphalt, Inc., to consider renewing their Conditional Use Permit to quarry. Members present were Acting Chairman John Buechel, Gale Burg, and Barb Bertram. Also present was Pete Kozak, representative of Northeast Asphalt. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Acting Chairman called the hearing to order at 7:57 p.m. The Secretary read the notice.

**Pete Kozak, Northeast Asphalt, was sworn in. His testimony and responses to Board of Appeals questions were as follows:**

- Northeast's current Conditional Use Permit for non-metallic mining was issued 10/9/03; for a four-year term.
- Northeast requests a renewal of the CUP for a term of 10 years.
- Northeast plans to continue the mining operation in the same manner it has for the past four years.
- They are currently extracting from west to east.
- They reclaimed about 3 acres this year.
- They have not received any complaints.
- The seismographs are always in place.
- Notices of Blasting are being sent a week or so in advance of blasting activity.
- Hours of operation:
  - Monday-Friday 7 a.m.-6 p.m. only load-out after 5 p.m.
  - Saturday 7 a.m.-2 p.m. only load-out after 12 p.m.
- CUP Special Condition #1, in part required the planting of trees and shrubs. Mr. Kozak reported that the trees and shrubs have been replaced.
- Northeast asked for the removal of the prohibition of a hot blacktop mix plant. Mr. Kozak was advised to pursue approval of the option in the future. The Board of Appeals would be required to conduct an additional public hearing to address the request to operate such a plant.
- The current bond requirement is \$28,000. NR 135 requires the Town to administer reclamation of the area of land opened prior to 8/1/01. Mr. Kozak estimated the pre-8/1/01 area to be reclaimed is 6.5 acres. Reclamation costs approximately \$4,000 per acre.
- The current CUP requires reclamation after more than 7 acres are opened at any one time. There is a high probability that more than 7 acres has been opened at any one time. Tim Simon commented that blasting activity takes 2-300 feet in addition to the area needed for the crusher and the stockpiles of materials. They need more room to operate. The 7-acre limit is restricting and difficult to operate within.
- Northeast requested increasing the minimum opened area to 12 acres, including the setbacks.
- The current CUP limits depth to "above the groundwater level". Mr. Kozak commented that the current elevation of the floor seems adequate to comply with the groundwater condition.

**Gale Burg motioned to renew the Conditional Use Permit as follows:**

- ❖ The term shall be for 10 years,
- ❖ The bond will remain \$28,000.00,
- ❖ The opened area at any one time shall be increased to 12 acres,
- ❖ Remove the prohibition on the hot blacktop mix plant,
- ❖ Retain the current above groundwater level condition for the depth, and
- ❖ Retain the remainder of the General and Special Conditions as currently stated.

**Barb Bertram seconded the motion. Roll call vote:**

Gale Burg                    yes  
Barb Bertram                yes  
John Buechel                yes.

**Motion carried (3-0).**

October 9<sup>th</sup>, 2007

Board of Appeals  
Northeast Asphalt Conditional Use Permit Renewal

2.

Gale Burg motioned to adjourn the public hearing at 8:40 p.m., seconded by Barb Bertram.  
Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
Board of Appeals Secretary



The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, January 22<sup>nd</sup>, 2008, at the request of Dale Klitzke. Mr. Klitzke requests a variance to Section 13-1-24(f)(3)(a), Highway Setbacks, of the Town of Taycheedah's Code of Ordinances, to allow for the addition to an existing home that would have a reduced front setback. The property is located at N9030 Welling Beach Road. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the public hearing to order at 7:31 p.m.. The Secretary read the notice.

**Dale Klitzke was sworn in. His testimony was as follows:**

- The back portion of the structure (roadside) is in poor condition. It was poorly constructed.
- The current structure is 16'3" from the center of the road.
- He proposes to demolish the attached garage, connecting room and utility room.
- He does not have architectural drawings due to the need to determine the footprint prior to developing the drawings.
- The addition would include an attached garage.
- The addition would have a front setback of 29'2".
- The structure is currently the closest to the road on Welling Beach.
- The proposed addition would be more consistent with the setbacks of the other properties.
- He needs to be able to park a vehicle in the driveway between the garage and the road.
- He is concerned about the safety of small children.
- He has received verbal approval from the Fond du Lac County Code Enforcement Department in reference to the impermeable surface issue.
- The proposed addition would have the minimum sideyard setback of 10 feet.
- The proposed addition would be two-stories with no basement.
- Welling Beach is in the process of being deleted from the DNR floodplain designation.
- The proposed addition will meet elevation requirements and have 4' frostwalls.
- The lot is 90'x160'.

**Appeals Board discussion was as follows:**

- Poor structural condition does not constitute a hardship.
- The structure should be built more toward the Lake in order to utilize more of the lake view.
- The setback would increase by about 20' from the current setback.
- The lake lot sizes and layouts are generally substandard.
- Private roads have a number of established trees lining the road edges.
- Trees are a limiting factor for emergency access.
- The proposed setback would be an improvement and would be consistent with many of the existing structures.
- A drainage plan will require proper drainage of the area.
- The owner would need to submit the following:
  - Architectural drawings of the structure,
  - Drainage plan,
  - Appeals Board may need to re-meet to review the documents.
- It was noted that the drawings would need to be submitted to the Town with the Building Permit application. Therefore, there is no need for submittal to the Board of Appeals.
- Survey staking should be done in order to insure proper setback location.

**Public comment:**

- Wally Thiel, N9004 Welling Beach Road, questioned if the building will be located closer to the Lake. The response was no; it will be to the south.

January 22<sup>nd</sup>, 2008

Board of Appeals  
Dale Klitzke-front setback variance

2.

- Ellen Balthazor, N9026 Welling Beach Road, commented that the plans make sense and that the proposed addition will be a benefit to the entire beach. She further commented that both neighbors to the north and south have two-story homes.
- Randy Leider, N9036 Welling Beach Road, has no issue with the proposed addition so long as the grade is sloped to the side lot line.

**Further discussion by the Appeals Board was as follows:**

- The proposed addition would improve the property.
- The front setback would increase by 16 feet.
- The proposed addition would reduce obstructions along the road.
- The original platting of the beach roads can not conform to the current ordinances.

Gale Burg motioned to approve the variance request based upon the information presented by Dale Klitzke for an addition with a 29'2" minimum setback as measured from the center of the road. Mr. Klitzke is to submit final drawings to the Permit Issuer. The motion was seconded by John Buechel.

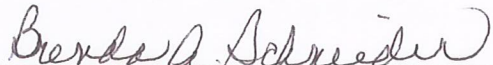
**Roll call vote:**

Barb Bertram	aye	
John Buechel	aye	
Tom Friess	aye	
Gale Burg	aye	
Jim Rosenthal	aye	Motion carried unanimously (5-0).

Mr. Klitzke was informed that he must substantially begin the project within six months, or the variance will be void.

Jim Rosenthal motioned to adjourn the public hearing at 8:10 p.m., seconded by Gale Burg.  
Motion carried (5-0).

Attest.



Brenda A. Schneider  
Secretary

April 9<sup>th</sup>, 2008

Board of Appeals  
Dale Kraus-front setback variance

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Wednesday, April 9<sup>th</sup>, 2008, at the request of Dale Kraus. Mr. Kraus requests a variance to Section 13-1-24(f)(3)(a), Highway Setbacks, of the Town of Taycheedah's Code of Ordinances, to allow for the addition to an existing home that would have a reduced front setback. The property is located at W3286 Cty. WH. Members present were Chairman James Rosenthal, John Buechel, Barb Bertram and Jason Meyer (Alternate #2). Clarence Kraus (Alternate Member #1) recused himself. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the public hearing to order at 7:05 p.m.. The Secretary read the notice.

**Dale Kraus was sworn in. His testimony was as follows:**

- He plans to remove the second story.
- The condition of the bricks at the second floor level is poor.
- He intends to add approximately a 35' x 35' addition in order to create a ranch-type home.
- His plan would maintain the 97' from Cty. WH.
- The setback of the barn is an estimated 15 feet.
- Indenting the addition by 3 feet in order to maintain a 100 foot setback would complicate the roof-line of the addition.
- He thought the home was built in 1948.
- The existing porch on the north side would be removed.

**Appeals Board discussion was as follows:**

- The minimum setback from a Town road is 63 feet.
- The proposed addition will have an 85 foot setback from Tower Road.

**Public comment:**

- No public comment was given.

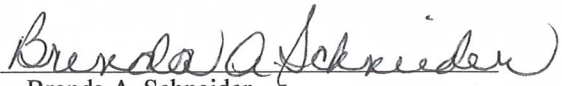
John Buechel moved to approve the variance request based upon the information presented by Dale Kraus for an addition to a non-conforming structure with a 97 foot minimum setback from Cty. WH as measured from the center of the road, seconded by Barb Bertram.

Roll call vote:

Barb Bertram	aye	
John Buechel	aye	
Jason Meyer	aye	
Jim Rosenthal	aye	Motion carried unanimously (4-0).

Mr. Kraus was informed that he must substantially begin the project within six months, or the variance will be void.

John Buechel motioned to adjourn the public hearing at 7:14 p.m., seconded by Barb Bertram. Motion carried (4-0).

Attest.   
Brenda A. Schneider  
Secretary



April 9<sup>th</sup>, 2008

Board of Appeals  
Tim's Alignment-CUP amendment

1.

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Wednesday, April 9<sup>th</sup>, 2008, at 7:30 p.m., at the Taycheedah Town Hall, for the purpose of considering a request to amend the Conditional Use Permit issued to Tim and Laurie Krawczyk to operate an automotive repair shop and used car dealership. Members present were Chairman James Rosenthal, John Buechel, Barb Bertram, Clarence Kraus (1<sup>st</sup> Alternate) and Jason Meyer (2<sup>nd</sup> Alternate). The hearing was tape-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order at 7:31 p.m.. The Secretary read the hearing notice.

**Tim Krawczyk was sworn in. Mr. Krawczyk's testimony, including his responses to Board member questions, was as follows:**

- He is requesting an amendment of his Conditional User Permit to allow for the expansion of his parking lot.
  - He owns the land from his existing building to the abandoned railroad right-of-way.
  - He also intends to build a 40'x55' cold-storage building. It was noted that the CUP, nor the ordinance, require approval for the additional building.
  - Numerous accidents have occurred in the existing parking lot. The accidents have involved employees and customers.
  - The new lot will be for employee parking, the parking of vehicles waiting to be serviced and the parking of damaged vehicles waiting for insurance adjusters.
  - A retention area for the parking lot is just off of the south end of the parking lot.
  - The second lot and storage building will be at a lower elevation than the shop/office.
  - Access will be off of Beverly Parkway, into the current parking lot and through two parking stalls that will be eliminated. A couple of trees will be removed.
  - Rip rap will be placed along the driveway to the second parking lot.
  - More pine trees, shrubs and shade trees will be planted.
  - The second lot will have approximately 24 parking stalls.
  - The business employees ten people.
  - He has not received any complaints from the neighbors or otherwise.
  - Fond du Lac Asphalt will do the asphalt work and Bud's Soils & Grading will do the excavating work.
  - There will be no lights on the storage building. The building will not be electrified.
- Public comment heard was as follows:**
- The light on the southwest corner of the building is not shielded. Mr. Krawczyk will address the light.

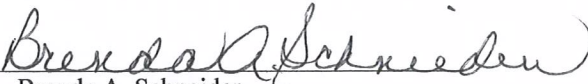
John Buechel motioned to amend Tim & Laurie Krawczyk's Conditional Use Permit for the secondary parking lot, seconded by Barb Bertram.

Roll call vote:

Clarence Kraus	yes	
Barb Bertram	yes	
John Buechel	yes	
Jason Meyer	yes	
Jim Rosenthal	yes	Motion carried (5-0).

Mr. Krawczyk was informed that he must substantially begin the project within six months, or the variance will be void.

Barb Bertram motioned to adjourn at 7:50 p.m., seconded by Jim Rosenthal. Motion carried (5-0).

Attest:   
Brenda A. Schneider  
Board of Appeals Secretary

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, August 18<sup>th</sup>, 2008, at the request of Mary Rose McIntyre. Ms. McIntyre requests a variance to Section 13-1-24(f)(3)(a), Highway Setbacks, of the Town of Taycheedah's Code of Ordinances, to allow for the construction of a detached garage that would have a reduced front setback. The property is located at N9124 Welling Beach Road. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Barb Bertram. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the public hearing to order at 7:40 p.m. The Secretary read the notice.

**Mary Rose McIntyre was sworn in. Michael Robert Bellmer was also sworn in. Mr. Bellmer, Precision Builders, is the contractor hired by Ms. McIntyre. Their testimony was as follows:**

- She proposes to build a 24'x30' detached garage on the east portion of the lot.
- They have met with County regarding Shoreland Zoning. The County has issued a permit.
- The proposed project meets the County's 25% impervious surface rule.
- The lot is 200'x70'; which includes the private road.
- It is 50' from the east edge of the road to the back lot line.
- The County requires a 10' rear setback.
- The property owners own the private road.
- They propose a 16' front setback from the middle of the road; 10' from the edge of the road.
- The north neighbor, Rich Bernath, has a garage with only a 1' rear setback and the neighbor to the south is 1.5' over the south side lot line.
- The proposed garage would be 26' wide and 30' long, with 9' sidewalls.
- The old trailer has been removed from the site.
- The site has been prepared for the 26'x30' garage.
- Surface water drains through a buried tile along the side property line.
- During the permitting process, Brenda Schneider had suggested rotating the garage so that it is wider and shallower; which would increase the front setback by 4'. Ms. McIntyre does not care to rotate the garage because L.H. Gyr has already prepared the site for the original proposal. Rotating the garage would require more site work.
- The home was built in the 1940's without a garage. The detached garage is needed to store a vehicle.
- The substandard lot pre-exists the Town's ordinances.
- The lot is above the floodplain.

**Appeals Board discussion was as follows:**

- The Board recognized limitations of the property.
- The shallow depth of the lot to the east of the road makes it impossible to meet the 63' front setback requirement.
- The group was concerned about:
  - The affect on the Town during snowplowing; particularly for snow storage.
  - The cab of a pick-up will still be inside the garage when backing out onto the roadway.
  - Fire Department and other emergency response vehicles.
  - Garbage truck and mailman access.
- The proposed building is 780 square feet.
- The County and Town ordinances limit the size to 864 square feet.
- If the building is rotated, the front setback will increase by 4 feet.
- If the building is rotated, the owners could build the structure wider and still remain under the maximum square footage.

Rich Bernath, N9128 Welling Beach Road, informed the Board that Gyr filled the drainage swale between the lot in question and the lot to the south. Drain tile was installed in place of the swale. He is concerned about what will happen to the surface water if the tile freezes. There was a 4 foot open swale that



August 18<sup>th</sup>, 2008

Board of Appeals  
Mary Rose McIntyre-front setback variance

2.

would clog with leaves and ice that he has always cleared because the owners are not on site during the winter. It was noted that the drainage swale behind the properties is on the farmer's land.

The Board instructed Ms. McIntyre that a swale must be created and maintained along the south lot line.

**Gale Burg motioned to approve a variance for a detached garage subject to the following conditions:**

- not to exceed 864 square feet,
- 20'3" front setback from the center of the roadway,
- re-apply to the County for approval of the revision to the project,
- 10-foot rear setback,
- sideyard setbacks totaling 25 feet,
- construction and maintenance of a drainage swale along the south lot line to a width of 4-foot and a depth of 2" below the roadway level, and
- height not to exceed 15 feet.

**John Buechel seconded the motion.**

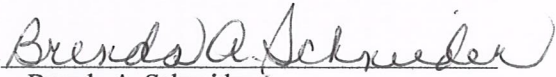
**Roll call vote:**

<b>Tom Friess</b>	<b>aye</b>	
<b>John Buechel</b>	<b>aye</b>	
<b>Barb Bertram</b>	<b>aye</b>	
<b>Gale Burg</b>	<b>aye</b>	
<b>Jim Rosenthal</b>	<b>aye</b>	<b>Motion carried unanimously (5-0).</b>

Ms. McIntyre was instructed to re-apply to the County. Once approval is obtained, provide documentation to Brenda Schneider for the file. She was also informed that she must substantially begin the project within six months, or the variance will be void.

John Buechel motioned to adjourn the public hearing at 8:36 p.m., seconded by Jim Rosenthal. Motion carried (5-0).

Attest.

  
Brenda A. Schneider  
Secretary



The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Wednesday, October 29<sup>th</sup>, 2008, at 6:30 p.m., at the Taycheedah Town Hall for the purpose of considering the Conditional Use Permit application submitted by Fond du Lac County, to construct and operate a wireless communications tower. Fond du Lac County has also applied for variances to Section 13-1-76(e)(8), General Requirements, for a tower with an overall height greater than 199 feet; and Section 13-1-76(h)(1), Setback and Separation, for reduced setbacks. Members present were Chairman James Rosenthal, John Buechel, Gale Burg, Barb Bertram and Jason Meyer. The hearing was tape-recorded and Secretary Brenda Schneider took notes.

The Chairman called the public hearing to order at 6:45 p.m. The Secretary read aloud the public notice.

Ellen Sorenson, Fond du Lac County Chief of Staff, and Terry Dietzel, Fond du Lac County Assistant Planning Director, were sworn in. Their testimony and responses to Board of Appeals members' questions were as follows:

- The County has built 3 of 5 towers needed for county-wide telecommunications infrastructure. The Oakfield site is currently under construction and the purchase of the site for the Waucousta tower was finalized last week.
- The Tower Road tower was built in 1953.
- The tower was subject to a structural audit. Structure standards have changed since the tower was built. The tower failed the audit. The estimated cost of re-enforcing the tower is \$250,000.
- Propose to build a 290-foot self-supporting tower.
- The entire county-wide telecommunications project was designed based upon the location and height of the Tower Road tower.
- Once built, the County will perform a live transfer of antennas from the old tower to the new tower.
- The old tower will be torn down and removed.
- The top 1/3 of a self-supporting tower will topple onto itself via a collapsible system.
- The replacement tower will add a \$400,000 overage to the county-wide project. The County feels it is fiscally responsible to build a new tower on land the County currently owns.
- The County is aware that co-location is a requirement of the ordinance. The tower will be capable of two additional tenants. The County is in negotiations with a company that would provide wireless high speed internet service county-wide.
- The existing building will be used by the County. Any co-locating companies will need to obtain a permit for any additional buildings.
- The site is 1.37 acres.
- The new tower will not be as cumbersome looking as the current tower.
- Clarence Kraus complained about the LP tank being moved from the inside to the outside of the fence two years ago. The County will have the tank removed as soon as possible.
- Clarence Kraus complained that the driveway is dangerous. The County estimated that once the new structure is built and the telecommunication structure is complete; the driveway would be used six times a year.
- The County expects completion of the new structure by Thanksgiving.
- The Nett and Wehner airstrips may be within one mile of the site. The County believes FAA has given their approval of the tower height and location.
- The site will have a new fence with coiled barbed wire around the top.
- The maintenance of the site will be taken care of in-house by either the Highway Dept. or the Central Maintenance Dept.
- The County's communication system had become substandard. Police, fire and EMS all use the system. The new system will provide telecommunications to 95% of the county, 95% of the time. It will also eliminate the redundancy currently being experienced by fire and ambulance response teams. It is a simulcast system; only one page instead of as many as five.

Steve Dubberstein, General Manager for the telecommunication project, was sworn in. His testimony and responses to Board of Appeals members' questions were as follows:

- A certified engineer was required to perform a tower-loading study of the structure.
- The requirement of the study is driven by the insurance industry.
- The study revealed that the tower is 185% above load without the antennas.
- Self-supporting towers do collapse into themselves.
- The County can not proceed with the project using the existing tower.
- The cost to re-enforce the existing tower was almost as much as a new tower.
- The existing tower has four legs. The new tower will have three legs made of galvanized steel. It will not have guide wires.
- The new tower will be 290 feet; same as the existing one. Sections could be added to the top; which would affect the overall loading of the tower.
- All towers over 200 feet are required to be registered with the FAA and the FCC. They are required to be lit. The County plans to use a white strobe light during the day and red lights at night.
- The new tower will be built adjacent to the existing building.
- His company was awarded the contract for the project at the beginning of the year. The study could have been done sooner. He thought the study would be just a formality. He was surprised by the results.
- All the towers will be linked by microwaves. The microwave dishes must be in line with each other. The Waucousta site had to be in a location that would avoid all the wind turbines. Now that the County's project is licensed, any future wind turbines will have to avoid the County's microwave paths.
- Periodic maintenance will be needed at the site every few months. His contract with the County includes 24/7 maintenance.
- The site will need to comply with R56; a 280+ page document outlining all necessary lightning grounding requirements. Lightning will be dissipated into the ground by several methods that will protect the tower, antennas and radio equipment.
- The County project is the largest his company has done; meaning the highest number of towers in one project.
- It is his intent to provide the County will good, solid safety communication.
- The project will have the latitude to change with changes in technology.
- The life-expectancy of the tower is 20-30 years. The radio equipment is at least 10 years. Changes in technology usually cause a change in equipment.

Mark Strand, Fond du Lac County Chief Deputy Sheriff, was sworn in. His testimony and responses to Board of Appeals members' questions were as follows:

- The 9/11 attack caused an urgency with emergency communications nation-wide.
- When one fire department gets paged; all fire departments hear the page.
- Officer communication in some areas has been non-existent.
- The County-wide system needs the Tower Road tower in order to function.
- The County Highway Dept. will put up signs regarding the driveway.

Jim Rosenthal, in the interest of public safety, motioned to approve the Conditional Use Permit, as requested by Fond du Lac County, and to approve the variances, as requested by Fond du Lac County, under the following special conditions:

- The Conditional Use Permit will have a term of 10 years.
- The project must comply with all building codes and safety codes of the Electronics Industries Association.
- The project must comply with all State and Federal Requirements.
- The County shall allow co-locating of antennas.
- The tower design will be tri-pod made of galvanized steel.



- Lighting shall follow FAA standards.
- No advertising signs may be placed at the site.
- The tower shall be enclosed in fencing of a height at least 6 feet with rolled barbed wire on top.
- The tower may not exceed 290 feet.
- The front setback shall be no less than 220 feet.
- The right side setback shall be no less than 45 feet.
- The left side setback shall be no less than 145 feet.
- The rear setback shall be no less than 95 feet.
- The County must submit a \$40,000 bond to be held for tower removal.
- The Town shall be named as an additional insured on the comprehensive liability insurance policy.

The motion was seconded by John Buechel.

Roll call vote:

Jason Meyer	yes
Gale Burg	yes
Barb Bertram	yes
John Buechel	yes
Jim Rosenthal	yes

Motion carried (5-0).

Gale Burg motioned to adjourn the public hearing adjourned at 7:54 p.m., seconded by Barb Bertram. Motion carried (5-0).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Board of Appeals Secretary



The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Wednesday, December 10<sup>th</sup>, 2008, at 7:30 p.m., at the Taycheedah Town Hall for the purpose of considering the issuance of a Temporary Conditional Use Permit to Northeast Asphalt, Inc.. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, and Clarence Kraus. The hearing was tape-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order at 7:32 pm. Brenda Schneider read the notice of public hearing.

**Pete Kozak and Paul Budzynski, representing Northeast Asphalt, Inc., were sworn in. Their testimony was as follows:**

- Northeast requests a Conditional Use Permit for the temporary operation of an asphalt mixing facility for a number of local projects scheduled for 2009.
- As stated in Northeast's letter, dated 10/13/08,
  - Hwy. 151 will be reconstructed.
  - The Town and the County could purchase asphalt for their local projects.
  - Good roads promote economic development and improve access by emergency services.
  - Greenhouse gas emissions are decreased due to shorter trucking distances.
- The majority of the traffic out of the quarry will travel west on CTH Q.
- They estimated the truck traffic to be at least 10 trucks per day making 12 trips each; which would be less than the truck traffic experienced with the wind turbine construction.
- The weight limit on the trucks would be equal to the road weight limits.
- Northeast has been operating the quarry since 1990. Prior to Northeast, the Simons operated it since 1970's.
- Northeast has not received any property damage or vehicle damage complaints over the past few years.
- The line-of-sight at the driveway is good in both directions.
- The access road to the quarry is paved from the scale to CTH Q. They have not received any dust complaints.
- They have not received any complaints from the neighbors over the last two years pertaining to excessive noise or loading out after hours. Tim Simon once stopped an operator trying to load before the hours of operation.
- There have been no entrants after hours.
- The scale is maintained throughout the day and tested annually.
- The typical hours of operation for asphalt trucking are 6 am to 8 pm. However, Northeast acknowledged that they will have to work within the Conditional Use Permit hours of operations.
- The asphalt plant will build up air pressure in the morning. It takes only 10-15 to warm-up the plant.
- Asphalt is a combination of 95% aggregate stone and sand; and 5% asphalt cement delivered by semi tanker truck. The tanker trucks will unload into one or two storage tanks that will be located on site.
- The exhaust fan/chimney height of the plant is 20-25 feet; which will be at or slightly above grade.
- Additives are mixed into the asphalt concrete to reduce odor in the exhaust. Exhaust will be visible coming out of the stack. The exhaust will be 95% steam. Charcoal filters are also on the bag house. Over the last 30 years, asphalt plant emissions have been reduced by 97%. The mixing temperature can be reduced due to the closeness of the job; which reduces the odor. It is not possible to measure or gauge the degree of odor.
- Additional crushing of aggregate needed for the asphalt plant will not exceed the quarry's production levels over the past few years.
- The asphalt plant will not create a need for more water at the site. Water will be needed for dust control only.
- The nearest permanently permitted asphalt facility is at CTH F, Eden. A closer facility will reduce road use for transporting; trucking will be decreased by an estimated 2,800 hours; and fuel expenses will be decreased by an estimated \$25,000.00.

- Northeast is a local company with approximately 300 employees; 30 of which live in Fond du Lac County.
- The odor agent added to the asphalt is not optional; it is required by the State. Approximately 5 gallons of the agent is added to every tanker load.
- Recycled oil is used to operate the dryer stored in the cargo tanker.
- Diesel fuel is stored in a small tank.
- Safety control/guidelines are established by the State.
- Northeast doesn't typically do residential work.
- They recycle asphalt whenever possible. They specifically limit the amount of production to meet the expected need for day.
- The aggregate is heated to 280 degrees; the asphalt cement is heated to 300 degrees. Temporary plants are usually more fuel efficient.
- The plant would be onsite from April to November, 2009. It takes two days to put it up and two days to dismantle it.
- It is difficult to predict whether or not they would still construct the plant if not awarded the State project. They believe that they wouldn't need to get all of the projects to make the plant construction cost-effective.
- Northeast would return asphalt material that fails to meet State specifications to the pit to be recycled.

**Responses to questions from the public and Board of Appeals members were as follows:**

- The plant will be located within the Northeast Asphalt permitted area.
- Truck traffic was estimated at 10 trucks per day hauling an estimated 12 loads of finished product and four loads of asphalt cement per day. The supply trucks will approach the quarry from the west.
- Northeast does not truck out the finished product; therefore, they have no control over engine braking.
- Trucking asphalt creates less dust than trucking crushed stone.
- Northeast has operated asphalt plants in quarries with residential property nearby. They have not received any complaints about it.
- Northeast pays property taxes.
- Emission tests are routinely done. The EPA did a study several years ago. The emissions emitted for a 100,000 ton per day asphalt plant are less than two wood stoves. All asphalt loaded trucks are tarped. In 2002, the EPA removed hot mix asphalt plants from the list of hazardous sources of air pollution. Over the last 30 years, the industry has reduced emissions by 97% while increasing production by 250%.
- The asphalt is loaded onto the trucks through a tube. The truck is then tarped. Limited exposure will help control odors.
- The exhaust fan is driven by a 125 hsp motor. The fan directs particles to the bag house; where they are collected and transported back into the mix.

**Public comment:**

- Resident opposed to the affects the asphalt plant will have on the local aesthetics.
- The plant will give the Town little benefit but cause significant personal impact.
- A few residents are not happy with the quarry operation and stated there are problems with the quarry. Specifics were not given.

**Board of Appeals discussion and observations were as follows:**

- The height of the stack will not impact the degree of odor.
- The moving of the product from the silo into the trucks creates the most concentrated degree of odor. The bag house eliminates most of the odor.



- The use of an odor controlling additive is essential. The Town needs information pertaining to the optimum use and volume needed to provide maximum control of odors. Products specification sheets can be provided to the Town.
- Northeast is willing to address any issues and/or complaints as they arise. They intend to operate the asphalt plant with a good-faith effort.
- Little water is needed for dust control on the access drive. Water is used routinely with the quarry. All materials are watered during production.
- The estimated maximum height of the stockpiles is 50 feet.
- A temporary permit will mean temporary with a definitive end date.

**Tom Friess motioned to approve a temporary Conditional Use Permit to Northeast Asphalt, Inc., for a temporary asphalt concrete plant under the following conditions:**

- The term of the permit will be from April 1, 2009 to November 30, 2009. Teardown and removal of plant components to be completed by the end of the day November 30, 2009.
- Trucking would be less than what has been experienced over the last three years with an estimated 120 truck trips in and out at this site hauling asphalt product; excluding the trucking of stone from other areas of the quarry.
- Northeast shall use an odor-reducing additive at the optimal level per the manufacturer's recommendation.
- Blasting activity will not need to increase above the amount experienced over the last few years due to the decrease in demand for stone.
- Truck weights must comply with maximum road weight limits.
- CTH Q ingress/egress shall be used for access to the plant.
- Northeast will consider posting a sign at the exit of the plant advising truckers to use their engine brakes for emergency situations only within one mile radius of the plant.
- Limit excess dust as much as possible.
- Recycled asphalt material will continue to be stored at the site.
- Stockpiles of material shall not exceed 45 feet, leaving 5 feet of head space when using a 50 foot stacker.
- Only stockpiled material will be located on the Simon portion of the quarry.
- Inform the Town Clerk of any complaints received by Northeast Asphalt, Inc.
- The hours of operation will be the same as the conditional use permit to quarry. Those hours being the following:
  - Monday-Friday 7 a.m.-6 p.m. load-out only 5 p.m.-6 p.m.
  - Saturday 7 a.m.-2 p.m. load-out only 12 p.m.-2 p.m.
  - Sunday & holidays no operation

No start-up of large equipment prior to 7 a.m. This would exclude, for example, the 25 hsp air compressor used to warm the plant.

- Northeast shall notify all property owners within 1,000 feet regarding the project, the conditions on the project and the complaint procedures.

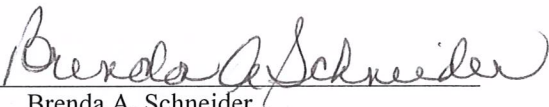
The motion was seconded by John Buechel. Roll call vote:

Clarence Kraus	yes
Tom Friess	yes
John Buechel	yes
Jim Rosenthal	yes

Motion carried (4-0).

John Buechel motioned to adjourn the public hearing at 9:43 p.m., seconded by Clarence Kraus.  
Motion carried (4-0).

Attest

  
Brenda A. Schneider  
Town Clerk  
Appeals Board Secretary