

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, March 3rd, 2009, at 7:00 p.m., on behalf of Dave & Dan Bertram, d.b.a. Summit Quarry, and Evenson Construction Co., Inc.. They request an amendment to their Conditional Use Permit for a 20-acre expansion of the quarry. Members present were: Chairman James Rosenthal, John Buechel, Barb Bertram, Jason Meyer and Clarence Kraus. The Secretary, Brenda Schneider, recorded the hearing and took notes. The Chairman called the hearing to order at 7:02 p.m.. The Secretary read the notice.

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

- Approximately 100' of material remains along the west side of the quarry; which is estimated to be 1-1 1/2 year's supply.
- He intends to extend the berm along Cty. Q in preparation for the move into the adjacent 20 acres.
- He would remove the overburden from the west and south sides of the current site and then incrementally mine into the 20 acres abutting the west side of the current quarry.
- They would continue to use the existing ingress/egress off of Cty. Q.
- He intends to maintain a level quarry floor.
- The current open area is needed for stockpiling.
- Initial reclamation could begin once they start working into the adjacent 20 acres. He noted that their current reclamation plan filed with Fond du Lac County states that reclamation will occur in one step upon depletion of the resource. He also noted that the reclamation plan would need to be revised if the 20 acre expansion is approved.
- Dust control has not been an issue. The conveyor is 40-50' tall and is equipped with a watering system. They use water reclaimed from the cooling system on the bulk tank at the farm.
- He expects to apply the same conditions to an expanded operation.
- He is typically onsite during crushing.
- A computerized gate prohibits truck traffic after hours.
- Electricity to the scale house is by 100 amp service.
- They did not do any blasting during 2008 and they did only one set during 2007.
- He estimates the additional 20 acres would be at least 10 year's worth of materials in a good economy.
- The west berm would shift further west. The berm would be high enough to provide protection to the farmer.
- There is a triangular ridge off of the southwest corner of the existing quarry. He intends to ask in the future to expand the quarry to take in the triangle to allow for its removal as part of the reclamation.

Chairman Rosenthal opened the public hearing for statements and questions for Evenson. None were presented.

Chairman Rosenthal opened the public hearing for statements and questions for the Bertrams.

Dan Freund was sworn in. His statements and questions were as follows:

- He owns the farm and buildings located at his parents' home; although he acknowledged the property is still listed in Victor's name.
- In the past, Evenson offered to do a pre-blast survey and water test at the farm at the owner's expense. Northeast Asphalt provided the survey and test free of charge. Mr. Freund requested that Evenson be required to provide him the tests at no charge.
- The tower company wants a seismograph placed at the site instead of at Victor Freund's farm. Dan acknowledged that Evenson has been putting the seismograph at the tower site; he wanted to ensure that practice would continue.
- Sometimes he sees a little dust in the fields. He feels the quarry's fugitive dust program is working.
- His well water tests have been stable.

Gary Jung was sworn in. His statements and questions were as follows:

- He has had no problems or issues with the Bertrams or the quarry.
- Evenson offered to pay for his pre-blast survey and water test.
- He hasn't noticed any dust.

Board of Appeals member's discussion was as follows:

Brenda Schneider briefed the Board of Appeals members regarding a long-standing request from J&E Eckert to release the bond issued to the Town for purposes of reclaiming the site. Brenda has refused to sign the release submitted by Eckert without authorization from the Board of Appeals.

Evenson has submitted a \$20,000 bond to the Town and a \$32,000 bond to Fond du Lac County. They are bonding for reclamation of the entire site. The Town is required to administer reclamation of the area opened prior to 8/1/01; and the County is required to administer reclamation of the area opened after 8/1/01.

Jim Rosenthal motioned to authorize Brenda Schneider to contact Attorney John St. Peter regarding maintaining the bond and possible forfeiting the bond money to the Town, with the proceeds to be held in escrow by the Town, to be used to assist Evenson with the cost of reclaiming the approximate five acres of the quarry mined by Eckert, and to communicate to Eckert in reference to the bond issue, including an anticipation that reclamation may be activated for at least five years, seconded by John Buechel. Motion carried unanimously by roll call vote (5-0).

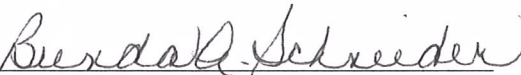
Barb Bertram motioned to approve the request to expand the quarry operation into the adjacent 20 acres, require the operator to pay for a pre-blast survey and private well monitoring, as stated in the ordinance, at the Victor Freund farm, and conditional upon amending the reclamation plan currently on file with Fond du Lac County, seconded by Jim Rosenthal.

Brenda Schneider read and explained Section 7-5-5(g)(3)(a) of the Town of Taycheedah Code of Ordinance in reference to the quarry operator being required to pay for surveys and tests if the property is within the affected area as delineated in the ordinance. The section also notes that property owners beyond the affected area may request the Town Board to direct the operator to pay for the survey and test.

Evenson is willing to pay for a pre-blast survey and well test at the Victor Freund property.

Motion carried unanimously by roll call vote (5-0).

John Buechel motioned to adjourn the public hearing at 8:14 p.m., seconded by Clarence Kraus. Motion carried (5-0).

Attest. 
Brenda A. Schneider
Secretary

March 3rd, 2009

Board of Appeals
Fond du Lac County
Conditional Use Permit-Amendment #1

1.

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Tuesday, March 3rd, 2009, at 7:30 p.m., at the Taycheedah Town Hall for the purpose of considering an amendment to the Conditional Use Permit issued to Fond du Lac County for the construction and operation of a wireless communications tower. Members present were Chairman James Rosenthal, John Buechel, 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 7:30 p.m. The Secretary read aloud the public notice.

Ellen Sorenson, Fond du Lac County Chief of Staff, and William Bendt, Fond du Lac County Corporation Counsel, were sworn in. Their testimony and responses to Board of Appeals members' questions were as follows:

- At issue are Special Conditions #3 and #11.
- Condition #3 requires co-location of at least a total of 24 antennas.
- The tower is host to NOAA weather service and Dot Net. The tower is structurally capable of handling no more than 16 antennas; which would include the County's antennas.
- The State of Wisconsin has mandated the use of narrow-banding communication by 2011. This is the primary purpose of the tower.
- Condition #11 requires a performance bond or comparable security in an amount of not less than \$40,000. The bond costs \$400 per year. A bond has been submitted to the Town for the first year.
- The County has taxing authority; which will exist as long as county government exists in the State.
- Mr. Bendt read into the record his letter to the Town of Taycheedah dated March 3, 2009. It was noted that Attorney John St. Peter is satisfied with Mr. Bendt's letter.
- The County has a contractual commitment to the Town; which is binding on the present and future County Boards of Supervisors.
- The original tower will be removed once the new tower is completed. They expect removal to occur by June 15th. All radios will need to be re-programmed prior to its removal.

Comments made by Clarence Kraus were as follows:

- The tower contractor trespassed on his land on more than one occasion. His land has been damaged. Ellen Sorenson stated that she will work with Mr. Kraus to resolve the issue.

Jim Rosenthal motioned to amend the Conditional Use Permit issued to Fond du Lac County as follows:


- Special Condition #3 will state a co-locating requirement of a minimum of 16 antennas to a maximum of 24 antennas.
- Special Condition #11 will note the County's surety obligation per Bill Bendt's March 3, 2009, letter in lieu of the \$40,000 bond requirement after the first year.
- It was also noted that the original tower will be removed and all landscaping completed by June 15th, 2009.

The motion was seconded by Barb Bertram.

Roll call vote:

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

John Buechel motioned to adjourn the public hearing at 6:49 p.m., seconded by Jim Rosenthal.
Motion carried (4-0).

Attest. 
Brenda A. Schneider
Board of Appeals Secretary

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Tuesday, March 31st, 2009, at 6:30 p.m., at the Taycheedah Town Hall for the purpose of considering the issuance of a Conditional Use Permit to Northwest Asphalt, Inc.; Summit Quarry, LLC; and Evenson Construction Co., Inc.. Members present were Chairman James Rosenthal, John Buechel, Barb Bertram, Gale Burg and Clarence Kraus (tardy). The hearing was tape-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order at 6:34 pm. Brenda Schneider read the notice of public hearing.

Donald Stark, Northwest Asphalt, Inc., and Pat Strachan, Evenson Construction, were sworn in. Their testimony and responses to Board of Appeals questions were as follows:

- They propose a portable hot-mix asphalt plant in the same area as the temporary concrete plant.
- The sand needed for the asphalt mixture would be delivered.
- CTH Q would be used for ingress and egress.
- There are a number of nearby projects going out for the bid this season.
- The asphalt plant can operate within the same hours of operation as the quarry.
- There would be no additional need for water. Water is used for dust control. There has been plenty of reclaimed water from the farm for needed dust control.
- Northwest plans to bid on the Hwy. 151 project which is from Peebles to the Fond du Lac County line.
- The project plans for 20-25 days of paving. They estimate 10-12 trucks per hour hauling 80-90 loads per day. Ten trucks could stage in the pit area; which would keep them off of the road.
- They do not plan of running the plant on Saturday. The Hwy. 151 project does not call for night or weekend asphalt delivery. However, there is a possibility that they will haul on Saturdays.
- They are not asking for an extension of hours.
- A majority of the traffic will flow down CTH Q to Hwy. 151.
- They were advised to avoid Mengel Hill Road whenever possible.
- Northwest Asphalt only does paving work. Evenson plans to bid on the road-base construction work.
- Pat believes the quarry can handle an additional 80 truck trips per day. Asphalt trucks would enter the site from the east and stone trucks from the west. All trucks will be scaled.
- Asphalt production is anticipated from June to late August.
- Odor is noticeable during the transfer of liquid asphalt from the truck to the tank. They use an odor suppressant and will mix the product at a lower temperature; which will reduce the odor. Typically they heat the product to 300-340°.
- Northwest Asphalt has been in operation since 1967. They have received no complaints pertaining to their asphalt operation; which is within the city limits of Milwaukee. They had one odor complaint. The DNR performed tests and were able to determine the odor was coming for diesel engines on another project in the area.
- Sales to governmental entities and the public will be allowed.
- Northwest does not plan to open the asphalt plant if they aren't award the Hwy. 151 contract.
- Trucking runs about \$80 per hour. A reduction in the trucking distance will reduce the cost of asphalt.
- It takes an estimated 25 seconds to load one truck. Each truck will need approximately 10 minutes to maneuver around the pit. Each load carries 22-23 tons of asphalt. The Hwy 151 project needs 250 tons per hour; which calculates to a truck leaving the site every six minutes. The farm driveway will be used for truck ingress and staging.
- Northwest will make drivers aware of the limited use of jake brakes in an urban area.
- They will contact the Fond du Lac County Highway Department regarding the installation of additional warning signs for the truck entrance.

Dan Bertram thanked the Town for the opportunity to install an asphalt plant. He noted that there is potential to save all of the taxpayers a lot of money.

Gale Burg motioned to approve a temporary conditional use permit to Northwest Asphalt, Summit Quarry and Evenson Construction, for the operation of portable hot-mix asphalt plant subject to 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.
- 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 that may be used to warm the plant.

- Asphalt truck traffic will use the east farm driveway for ingress and egress will be via the west pit driveway. Quarry traffic will use the west driveway for ingress and egress.
- Stockpiles of material shall not exceed 45 feet, leaving 5 feet of head space when using a 50 foot stacker.
- Northwest shall use an odor-reducing additive at the optimal level per the manufacturer's recommendation.
- The stockpiling of recycled asphalt material is authorized to a limit of 10,000 tons.
- Northwest 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.
- Truck weights must comply with maximum road weight limits.
- Inform the Town Clerk of any complaints received by Northwest Asphalt, Inc.
- Northwest shall notify all property owners within 1,000 feet regarding the project, the conditions on the project and the complaint procedures.
- 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.
- 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.
- Northwest must provide a certificate of insurance.
- Northwest will contact Fond du Lac County Highway Dept for additional warning signs.

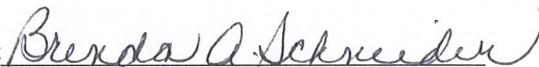
The motion was seconded by Barb Bertram. Roll call vote:

Clarence Kraus	yes
Barb Bertram	yes
Gale Burg	yes
John Buechel	yes
Jim Rosenthal	yes

Motion carried (5-0).

Gale Burg motioned to adjourn the public hearing at 7:40 p.m., seconded by John Buechel. Motion carried (5-0).

Attest



Brenda A. Schneider
Town Clerk

Appeals Board Secretary

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Tuesday, June 9, 2009, at 6:30 p.m., at the Taycheedah Town Hall for the purpose of considering the Conditional Use Permit application submitted by Andrew Lang & Karen Wagner, to operate a gas station, convenience store and 4-bay car wash on Lot #13 of Sandy Beach Business Park.

Members present were Chairman James Rosenthal, John Buechel, Barb Bertram, Tom Friess, and Gale Burg.

The hearing was tape-recorded and Secretary Brenda Schneider took notes.

The Chairman called the public hearing to order at 6:30 pm.

The Secretary read the hearing notice.

Andrew J. Lang was sworn in. His testimony and responses to Appeals Board member's questions were as follows:

- Lang plans to build a 4,600 sf. structure that will include 1100-1200 sf. of future retail space.
- The convenience store will be approximately 3,000 sf.
- He's planning a canopy of a maximum of 40' x 76' with LED focus lights. The lights provide very localized lighting; which greatly reduces light pollution.
- There will be three islands with two pumps on each island; which will be under the canopy. And there will be one hi-volume diesel pump.
- The carwash is planned to have four bays; three automatic, one hand-held plus an equipment room.
- The store and the carwash will have a commercial appearance.
- Lang has served as the general manager of operations for the family business. They have seven convenience stores and commercial rental properties.
- He has worked in convenience stores since he was six years old.
- He has had a feasibility site study done.
- He is currently in negotiation with two fuel brands.
- Lang recognized the closing of the station on the Bypass and noted that the Town would be held harmless.
- His expected hours of operation would be 5:30 or 6:00 am until 10:00 pm, later if there is demand.
- Pumps will have 24 hour pay-at-the-pump service.
- He will have full camera security with voice-over camera capabilities.
- He expects to hire 4-7 employees.
- Lang will be the owner/operator.
- He has been a Town of Taycheedah resident for the past six years.
- The feasibility study identified a need for a carwash.
- Stormwater retention is met within the development. His site will surface drain to the development's retention pond.
- Oil and fuel dry will be accessible for spill containment. He noted that most spills are 5-10 gallons.
- Emergency shut-off will be on the face of each panel, as required by State Code.
- The carwash dryers will have soft vinyl hoods on the jets. He would consider a cedar screen along the property.
- The carwash will be accessible 24/7, except in single-digit temperatures.
- Lang will have the contractor study lighting due to a concern that lights may hit Sandy Beach bedrooms at night. He noted that the closest light will be 400-600 feet from the homes. He added that LED lights illuminate on a direct area.

- Lang was not able to answer the decibel level of the carwash dryers. He was informed of the Town's noise ordinance limitations.
- The site was developed by REC Engineering. The access was designed per DOT specifications. Based upon specs, there is no need for extra turn lanes.

Public comments and questions were as follows:

Marlys Welsch:

- Welsch commented that the site is at a low elevation; which would mean pole lights would be nearer to road grade.
- She questioned the need to have accessibility to a carwash after 10:00 pm. Lang responded that night-time is low-volume; used mainly by second-shifters and people leaving or returning from trips.
- She also questioned the benefit of trees on the berm along the west line of the business park. The Chairman responded that the trees could assist with noise and sight abatement.

Jim Evanow:

- Evanow cited past problems with the sewer system due to the flood a year ago. He questioned if a carwash will further tax the system. Lang responded that each automatic carwash uses 30-40 gallons per wash and the hand-held service uses 8-12 gallons per wash. Lang added that people don't wash their cars during rainy weather.
- He questioned the need for four bays. Lang responded that research concluded that four bays would be sufficient to meet the anticipated demand. Lang added that the hand-held bay can be used for washing boats and large equipment.
- He commented that there should be a tree-line to the west. Evanow was informed that the berm is 250' parallel to Sandy Beach and approximately 300 from the site.
- He questioned how the Town feels about all the pollution going into the sewer system. Lang responded that the chemicals used in the carwash are regulated by the State. Rosenthal added that most of the carwashes in the City of Fond du Lac are eco-friendly. Evanow added that dirt would be a burden on the system. Rosenthal responded that dirt gets into the sewer system routinely by several means.
- Evanow questioned the sewer billing. Typically, a business is billed by the equivalent residential units. Taycheedah Sanitary District #1 will need to determine the appropriate number of units.
- He asked if gas stations are approved by the DNR being so close to the Lake. Lang responded that all gas stations must be approved by the DNR.

Kevin Twohig:

- Twohig has listened to carwash dryers. He noted that the noise is greater at the entry. He questioned if the carwash could be positioned north and south.

Wayne Schneider:

- Schneider questioned the height of the carwash doors. Lang responded that the doors will be 12' overhead doors in order to enable large equipment use.
- Lang repeated that there will be one hi-volume diesel pump with two hoses.

Sharon Greene:

- Greene questioned the use of the retail space. Lang responded that he is planning on some type of restaurant.
- She questioned limitations on adult-type businesses.

John Brzozowski:

- Self-service will be accessible 24/7 with a credit card at the pump. There will be no control of customer behavior during the night. Also, the rental space could be a 24/7 operation. Lang responded that the population density would not support 24/7 businesses in Taycheedah; however, there is a possibility that demand in the future would support 24/7 operation.

Paul Lane:

- Mr. Lane questioned the current zoning of the lot and the need for a special permit. The property is zoned commercial. There are ten types of business that require a conditional use permit, per the Town of Taycheedah Zoning Ordinance. A gas station and a car wash are two of the ten. The ordinance identifies 54 other types of businesses that do not require a special permit.

Evelyn Defatte Singh:

- Ms. Singh questioned the size of the pump canopy and the number of lights on the underside. Lang responded 40' x 76' and 14-15' high. The underside will be lit with 12-20 LED lights.

Grace Brzozowski:

- She requested verification that surface run-off will run to the retention pond, which drains to Lake Winnebago. It was explained that the retention pond is a settlement pond that is designed to allow sediments to settle and remain in the pond. It was unknown what the term of clean-out at which the pond was designed. Paul Lane noted that gas and oil is lighter than water which would not settle out and would be carried to the Lake.

Jesse Singh:

- He has put a lot of money into the Mobil station. He offered to sell his station to the petitioners.

Board of Appeals discussion:

- ❖ A retail space rental client may need to apply for a Conditional Use Permit dependent upon the type of business.
- ❖ Lang is researching water reclamation systems for the carwash. His goal is to be as environmentally friendly as possible by limiting water consumption due fact that the system will use a private well. There should be no affect on the local water table. Every business that builds in the development will have their own well.
- ❖ The DNR needs to approve a permit for an underground fuel storage tank.
- ❖ The issue of surface draining is questionable. It was noted that this issue is regulated by others; not a function of the Town.
- ❖ The property is outside of Shoreland Zoning. It is believed the property is not in the floodplain.
- ❖ Brent Schumacher, one of the developers of the business park, was asked about the berm and surface draining to the pond. The developers hope to install a treeline along the berm but do not have the funds at this time. The detention pond is designed as a 30-year sediment pond. All of the development drains to the pond.
- ❖ No other gas stations in the Town of Taycheedah are required to operate under an approved conditional use permit.
- ❖ No study was done as to the impact on the aquifer and no planned use of water reclamation for the carwash.
- ❖ There was concern about any impact to the residents on Sandy Beach Road. It was believed that the 5' high berm along the west and the wooded area to the north would provide adequate protection. It was also believed that there would be no traffic impact to Sandy Beach Road.
- ❖ Lang did not know how deep the well would need to be. It was unknown if there would be any interference with the level of existing residential wells. A study could be done and submitted to the Town. Special conditions could address this matter.

- ❖ Lang was willing to plant a cedar screening to the west property line near the carwash to deflect sound and provide a visual screen.

Jim Rosenthal motioned to approve a Conditional Use Permit, to be issued to Andrew J Lang and Karen Wagner, for a term of five (5) years, for the operation of a gas station, convenience store and carwash subject to the following conditions:

13-1-68(a)(1), Landscaping-grass shall be planted within 90 days of occupancy. The shrubbery landscaping shall be completed and trees planted within one year of occupancy; which include adequate cedar screening of approximately 6-feet tall along the west property line.

13-1-68(a)(2), Type of construction-the primary structure is planned to be 4,600 square feet; which includes future retail space. The carwash is planned to have four bays plus a mechanical room. All structures will be of commercial appearance. The pump island canopy will be 40 feet x 76 feet.

13-1-68(a)(3), Construction commencement and completion dates- the buildings are to be completed by July 1, 2009. Completion date has a 15-day +/- exception pending weather.

13-1-68(a)(4), Sureties-none stated.

13-1-68(a)(5), Lighting-LED lights will be on the buildings and under the canopy. All lights will shine downward. The lighting will be the minimum requirement by the State and the insurance company.

13-1-68(a)(6), Fencing-fencing will be installed for the storage of dumpsters, propane containers or other debris.

13-1-68(a)(7), Operational Control-The doors of the carwash will be closed during single-digit weather.

13-1-68(a)(8), Hours of Operation-convenience store hours of operation shall be 5:30 a.m. to 10:00 p.m., seven days per week. After hours operation at the fuel pumps with credit card. Access to the carwash shall be 24 hours a day, seven days per week.

13-1-68(a)(9), Traffic Circulation-none stated.

13-1-68(a)(10), Deed Restrictions-none stated.

13-1-68(a)(11), Access Restrictions-access off of Winnebago Drive has been designed per DOT specifications. Public access to the site to be provided off of Taycheedah Way as illustrated in the plans presented.

13-1-68(a)(12), Setbacks and yards-setbacks and yards are established by the Town of Taycheedah Code of Ordinances. The illustrated setbacks have been reviewed and approved by the Wisconsin Department of Transportation and the Fond du Lac County Highway Department.

13-1-68(a)(13), Type of Shore Cover-silt fencing shall be installed prior to the commencement of construction and shall remain in place until the construction is complete and the grass is established.

13-1-68(a)(14), Specified sewage disposal and water supply systems-wastewater service will be provided by Taycheedah Sanitary District No.1. The structure will be served by a private well of a depth no greater than sufficiently needed in order to not interfere with existing residential use. Well depth information to be submitted to the Town.

13-1-68(a)(15), Planting Screens-plant a tree line with 6-foot cedar trees as noted in 13-1-68(a)(1).

13-1-68(a)(16), Piers and Docks-not applicable.

13-1-68(a)(17), Increased Parking-parking lot as illustrated on the plans presented.

Draining-to be provided by the development via surface drainage to the retention pond.

Disposal of waste material-leakage of contaminants must be cleaned-up in a timely manner.

General conformance-to the Town of Taycheedah Code of Ordinance is required.

Gale Burg seconded the motion.

Roll call vote:

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

Motion carries unanimously.

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

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

June 9th, 2009

Board of Appeals

1.

Dan & Kathy Diederich-front and side setbacks and enlargement of a nonconforming structure

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, June 9th, 2009, at the request of Dan & Kathy Diederich. Mr. & Mrs. Diederich request a variance to Section 13-1-24(f)(3)(a), Highway Setbacks, Section 13-1-48(d)(6)(a), Side Yard Setbacks, and Section 13-1-80(f)(3), Continuation of an Existing Nonconforming Structure, of the Town of Taycheedah's Code of Ordinances, to allow for the addition to an existing garage that would have a reduced front setback and continuation of a reduced 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 public hearing to order at 7:53 p.m..

The Secretary read the notice.

Dan Diederich and Kathy Diederich were sworn in. Their testimony was as follows:

- Their hardship is a limitation to be able to expand in any other direction other than toward the street. The well is to the south and the structure is 7 feet from the west lot line.
- He plans to build a 2-car attached garage 24 feet wide and a maximum of 12 feet deep. The addition would be in front of the existing garage.
- The addition would have a 72 foot setback from the center of the road.
- The addition would maintain the existing 7 foot side setback.
- There are two large evergreens in the front yard.
- The proposed use of the addition will be for garage. A portion of the existing garage will be remodeled into a dining room.
- The well is 4 feet off the back of the existing garage.
- The front of the house will remain as is.
- They plan to retain the retaining wall.
- They are working with an engineer to determine the best pitch and design of the roof.
- The sidewalls will maintain existing height.

Appeals Board members questioned the assessment of the property. Extensive discussion regarding the 50% rule applied to nonconforming structures. The first garage addition was estimated at \$6,000 to 8,000. It was estimated that the addition cannot exceed \$51,000.

Members discussed an averaged front setback of 61 feet could be applied. A variance was also needed due to the nonconforming structure issue.

No one appeared in opposition to the variance.

John Buechel motioned to approve the variance as requested due to the restriction caused by the well location and the inability to add to the west. The motion was seconded by Gale Burg.

Roll call vote:

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

The Diederichs were informed of the requirement to obtain a building permit. They were also advised of the need to substantially begin the project within six month and keep the project below 50% of the value of the home.

June 9th, 2009

Board of Appeals

2.

Dan & Kathy Diederich-front and side setbacks and enlargement of a nonconforming structure

Gale Burg motioned to adjourn the public hearing at 8:34 p.m., seconded by Jim Rosenthal. Motion carried (5-0).

Attest. Brenda A. Schneider
Brenda A. Schneider
Secretary

Fiebig/Bovinet dba: Moondance Bed & Breakfast Conditional Use Permit

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Tuesday, June 9th, 2009, at 8:40 p.m., at the Taycheedah Town Hall for the purpose of considering the Conditional Use Permit application submitted by Susan Fiebig and Lindsey Bovinet, to operate a bed & breakfast on their property located at W4099 Kiekhaefer Parkway. Members present were Chairman James Rosenthal, John Buechel, Barb Bertram, Tom Friess, and Gale Burg. The hearing was tape-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order. The Secretary read aloud the public hearing notice.

Susan Fiebig was sworn in. Her testimony and responses to Board of Appeals questions were as follows:

- Ms. Fiebig requests a permit to convert their guest house into a one-unit bed & breakfast.
- The guest house has a master bedroom, full dining room and kitchen and 1.5 bathrooms.
- She intends to serve breakfast only.
- The guest house is located on a 3.5 acre landscaped parcel that includes trails and sculptures.
- They do not plan to make any changes to the property.
- The proposal conforms to all regulations in the district.
- There are no existing water pollution issues.
- The unit would serve a maximum of two visitors. They may add a pull-out couch for use by a child or two.
- She is leaning the advertising toward a romantic getaway for couples.
- She is working with major businesses for use by conference attendees and business travelers.
- They had initiated the process of changing the zoning to allow for an art gallery along with a bed & breakfast. They chose to withdraw the rezone request.
- There is a possibility of converting Lindsey's studio in the lower level into additional units.
- She would expect no more than 1-2 additional vehicles into the property when the unit is rented.
- She plans to offer the unit for rent year-round.
- The building is served by an onsite septic system that also serves the main home.
- The structure is located on a separate lot.
- She plans to erect an 8 square foot sign beyond the right-of-way in the stone wall along their driveway. The parameters in the ordinance for a sign permitted for a home occupation were discussed. A condition can be included in the permit for signage.

Member Barb Bertram read aloud the definition of a bed & breakfast contained in Section 13-1-71(b). The definition reads as follows: *"Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.* At issue is whether or not the guest house qualifies as the owner's personal residence or whether or not it can be considered occupied by the owner.

Barb Sotelo, W 4106 Kiekhaefer Parkway, has researched the Administrative Code regarding bed & breakfasts. She noted that the Code also states that the bed & breakfast shall be the owner's residence. She asked whether it made a difference that the building is on a separate lot. Chairman Rosenthal interpreted the building to be technically occupied by Lindsey when he is in his studio during some portion of the day. He added that the Code states the building must be the owner's residence; it does not state that the building must be the owner's primary residence.

Frank Alaniz, W4115 Kiekhaefer Parkway, commented that based upon Chairman Rosenthal's interpretation, the lower level could not be converted into additional units without causing the owners to eliminate their occupancy of the structure. Mr. Alaniz also questioned the advertising of the property. Chairman Rosenthal responded that the proposal to the Board is for a bed & breakfast. He added that Fiebig's advertising plan is beyond the Board's authority and that Fiebig/Bovinet must accept the art studio in the lower level and the bed & breakfast in the upper level, if approved. Fiebig commented that her

June 9th, 2009

Board of Appeals

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Fiebig/Bovinet dba: Moondance Bed & Breakfast Conditional Use Permit

graphic artist had posted some advertising for an art studio, gallery and bed & breakfast on the internet. She will instruct him to adjust the ad by removing the reference to a gallery.

Board of Appeals discussion:

- ❖ Whether or not the proposal meets the definition of a bed & breakfast. Chairman Rosenthal restated his interpretation. The Board discussed varying opinions of the definition.
- ❖ The Board discussed postponing to a date specific to allow time for a legal opinion or including a stipulation in an action to approve.

Tom Friess motioned, seconded by John Buechel, to approve the Conditional Use Permit to operate a bed & breakfast with one rental unit under the condition that Attorney John St. Peter concurs that the proposal meets the requirements of Section 13-1-71(b).

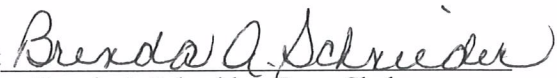
Roll call vote:

Barb Bertram	yes	
Gale Burg	yes	
John Buechel	yes	
Tom Friess	yes	
Jim Rosenthal	yes	Motion carried.

It was noted that if Attorney St. Peter opines that the proposal fails to meet Section 13-1-71(b), the permit will be denied.

Barb Bertram motioned to adjourn the public hearing at 9:34 p.m., seconded by Gale Burg. Motion carried.

Attest


Brenda A. Schneider, Town Clerk

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Monday, September 28th, 2009, at 6:00 p.m., at the Taycheedah Town Hall for the purpose of considering the extension of a Temporary Conditional Use Permit issued to Northeast Asphalt, Inc.. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, and Barb Bertram. The hearing was audio-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order at 6:05 pm. Brenda Schneider read the notice of public hearing.

Paul Budzynski, representing Northeast Asphalt, Inc., was sworn in. His testimony was as follows:

- NEA requests an extension of the Temporary Conditional Use Permit for the portable asphalt plant.
- Several projects in the area are going to bid yet this year. Construction bid season is October/November.
- Currently, there is no plant located at the quarry. Delivery of the plant could occur between November to April.
- The current permit expires 11/30/2009.
- Production usually ceases by Thanksgiving.
- If the plant is erected in 2009, he requests that the plant be allowed to remain over the winter.
- The current Temporary Conditional Use Permit states that "NEA shall use an odor-reducing additive at the optimal level per the manufacturer's recommendation". Budzynski informed the Board that sometimes the additive smells worse than the untreated asphalt product and has made people sick. He requests that the condition be advisory instead of mandatory.

Chris Winiecki, representing Northeast Asphalt, Inc. as an Area Manager, was sworn in. His testimony was as follows:

- Winiecki commented that the condition pertaining to the odor additive can remain in the CUP. If it becomes an issue, NEA will address the matter with the Appeals Board.
- Asphalt operations may begin this fall, with shutdown after November 30th. Or, the plant may be brought in by Christmas with operation beginning on or about May 1st.
- The asphalt operation uses generators that are enclosed. The generators make less noise than the stone crushers.
- The plant is a big drum that mixes the product. The base material is delivered to the site and stored in a double-walled tank. The material will become solidified without heat.
- No fuel will be stored at the site over winter.

Public comment:

- None was presented.

Board of Appeals discussion and observations were as follows:

- There are five homes in near proximity.
- There were no odor complaints received from the other temporary asphalt plant.
- At issue is allowing the plant to remain at the site from November to April.

John Buechel motioned to approve an extension of the Temporary Conditional Use Permit to Northeast Asphalt, Inc., for a portable asphalt plant under the following additional or modified conditions:

- The term of the permit will be from April 1, 2009 to November 30, 2010. Teardown and removal of plant components to be completed by the end of the day November 30, 2010.
- The plant can be delivered at anytime.
-
-

September 28th, 2009

Board of Appeals
Verizon Wireless-CUP amendment to allow site modifications

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, September 28th, 2009, on behalf of Verizon Wireless, to consider amending their Conditional Use Permit for site modifications to a tower located on a parcel of land owned by Gerda Strupp. Members present were Chairman Jim Rosenthal, John Buechel, Tom Friess and Barb Bertram. The Secretary, Brenda Schneider, audio recorded the hearing and took notes. The Chairman called the hearing to order at 6:48 p.m. The Secretary read the notice.

Peter Schau, representing Verizon Wireless, was sworn in. His testimony and responses to Board of Appeals members questions was as follows:

- The tower was erected in 1997.
- Verizon plans to attach three more antennas, for a total of nine on the tower.
- They also plan to replace the equipment shelter with a larger building; and they plan to re-locate the power generator.
- All of the equipment exists within a 40 ft x 60 ft leased area.
- The original CUP was issued to PrimeCo on October 21, 1997. The original permit allows for a maximum of nine antennas.
- The new shelter will be just south of the existing shelter. It will have 10 ft sidewalls with a flat roof. It will be 7 ft longer and 1.5 ft wider.
- They anticipate 30-90 days for construction.
- The tower was built to handle nine antennas. Schau sees no failure possibility.
- They test the equipment about once per month; and whenever alarms are triggered.
- The size and make-up of the equipment will be the only changes.
- They have not experienced any vandalism, or any neighbor complaints.
- The work is planned to improve coverage and capacity.
- The Verizon tower is one of two towers located on the Strupp property. The other tower is owned by DotNet.

There was not public comment presented.

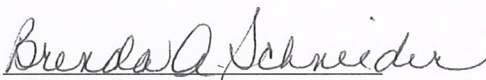
Jim Rosenthal motioned to amend the Conditional Use Permit to allow for the larger equipment building and for the additional three antennas, seconded by John Buechel.

Roll call vote:

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

Motion carried (4-0).

Barb Bertram motioned to adjourn at 7:02 p.m., seconded by Tom Friess. Motion carried (4-0).

Attest: 
Brenda A. Schneider
Board of Appeals Secretary

Fiebig/Bovinet dba: Moondance Bed & Breakfast Conditional Use Permit

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Thursday, October 29th, 2009, at 6:30 p.m., at the Taycheedah Town Hall for the purpose of considering the Conditional Use Permit application submitted by Susan Fiebig and Lindsey Bovinet, to operate a bed & breakfast on their properties located at W4099 Kiekhaefer Parkway and W4101 Kiekhaefer Parkway. Members present were Chairman James Rosenthal, John Buechel, Barb Bertram, Tom Friess, and Gale Burg. The hearing was tape-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order. The Secretary read aloud the public hearing notice.

Lindsey Bovinet was sworn in. His testimony and responses to Board of Appeals questions were as follows:

- Mr. Bovinet requests a permit to convert their guest house into a one-unit bed & breakfast.
- The structure was changed to a guest house for their children.
- The structure has one suite for a maximum capacity of two persons.
- The suite has one bedroom, a living room, a kitchen and 1.5 bathrooms.
- Both of their lots have been combined into one request.
- They live on both parcels.
- When confronted by website testimonials, Mr. Bovinet admitted that the suite has been rented about a half dozen times since the June 9th meeting.

Susan Fiebig was sworn in. His testimony and responses to Board of Appeals questions were as follows:

- Ms. Fiebig has communicated with the Wisconsin Bed & Breakfast Association.
- She has been approved by the State for a Tourist Rooming House and she has an approved County Health Dept. permit. Both the State and the County felt that she was covered.
- The septic tank has been inspected. It is acceptable to serve both structures.
- They never heard, at the June 9th meeting, that they could not rent out the suite after that meeting.
- The lower level has a workshop. They don't intend to convert it into another rental unit.
- She provides food supplies in the freezer, fridge and cupboards of the suite.
- Ms. Fiebig apologized for allowing guests and stated that she didn't realize it was improper.

Frank Alaniz, W4115 Kiekhaefer Parkway, was sworn in. His testimony was as follows:

- At the June 9th meeting, he voiced a concern that Fiebig/Bovinet were advertising the B&B. They are running the B&B and an art gallery business. Fiebig stated at the June 9th meeting that she would direct a change in the advertising.
- They were operating the B&B in May; which was before the June 9th meeting.
- He moved to the country to live in the country.
- He's not sure Bovinet and Fiebig are being honest.
- Attorney John St. Peter opined that the previous proposal does not meeting Section 13-1-71.
- He is concern that without Fiebig and Bovinet in the structure, no one could contact emergency response if needed and there would be no one to intervene if necessary.

Mary Alaniz, W4115 Kiekhaefer Parkway, was sworn in. Her testimony was as follows:

- On the Moondance website there are testimonials written by people who have stayed at the B&B. One comment states that "Susan will treat you to a home-maid breakfast".
- The Wisconsin Bed & Breakfast Association does inspections prior to the issuance of a permit.
- She verified with Brenda Schneider that the Town has not issued a permit for the B&B.
- The previous request was for one parcel only.
- The ordinance requires residency.
- This appears to be the same request.

Mark Kirschling, W4123 Kiekhaefer Parkway, was sworn in. His testimony was as follows:

- He lives two houses away.
- He has been on the property. It is unique property. They take good care of it.
- He feels the B&B would provide cultural enrichment to the Town. It would be an asset to the community and would provide the Town with exposure.
- Many people in this part of the State rent their homes to EAA attendees.
- Sue has her State permits.
- He trusts that Bovinet/Fiebig will rent to responsible individuals.

Jamie Fiebig, N8186 Lakeview Road, was sworn in. His testimony was as follows:

- He resides behind the B&B property.
- One could argue whether a B&B is residential use or commercial use.
- Non-residential uses near residential property typically do not diminish value or bring in unwanted activity.

Barb Sotelo, W4106 Kiekhaefer Parkway, was sworn in. Her testimony was as follows:

- Ms. Sotelo questioned the specifics of a Tourist Rooming House, and whether or not occupancy was a requirement. Ms. Fiebig responded that the only difference between the two is the residency issue. She added that she is licensed for only one unit and that more units would require amended permits or licenses.

Earl Jewett, W4148 Kiekhaefer Parkway, was sworn in. His testimony was as follows:

- He and his family have lived on Kiekhaefer Parkway for 32 years. They were the first residents.
- They moved to the area because it is truly a very peaceful and unique setting.
- The prospect of a one bedroom B&B in the area does not change their feelings.
- A B&B would be a very unique and quiet contribution to the neighborhood.
- It would enhance the neighborhood.
- Culturally, it would be a welcomed contribution.
- He frequently has out-of-town visitors that could utilize the B&B.

Rolland Herzig, W4198 Kiekhaefer Parkway, was sworn in. His testimony was as follows:

- He has also lived on Kiekhaefer Parkway for 32 years.
- Over the years, he has experienced increased traffic on the road even with the road closed barricades.
- He is in favor of the B&B and feels it should be approved.
- He has seen the facilities; it is first class. A completely modern and pretty suite.
- As far as congestion goes, there are 2, 3 or 4 cars parked in each driveway; which doesn't cause congestion.
- He has been bothered more by house parties in the past. The traffic from the parties has caused congestion, there were cars parked on both sides of the road. There was fireworks and noise. Yet he would never complain about this activity.

Lindsey Bovinet and Susan Fiebig's rebuttal comments and responses to Board of Appeals members questions were as follows:

- Mr. Alaniz alleged a business operation. The art gallery was part of their original proposal that was denied by the Town Board and has been removed from this request. This request is strictly for the B&B.
- Ms. Fiebig made a home-cooked breakfast for a friend of hers who stayed at the B&B. The State allows her to buy muffins, etc., to serve; she just can't bake them herself.
- Mr. Bovinet has clients from his business in Fond du Lac that have stayed in the guest house.
- Their children have also stayed in the guest house.

Fiebig/Bovinet dba: Moondance Bed & Breakfast Conditional Use Permit

- They have had calls from local friends and neighbors enquiring about their visiting family members staying at the B&B.
- It is a one-family guest house.
- Renters will be allowed to have visitors; however, not overnight.
- They will not allow partying.
- Activities are closely supervised.
- B&B users are older adults who prefer a low-keyed, quiet environment. They are looking for a home to stay in.
- The building has been inspected by the State and has been found to be completely up to Code.
- They supervise and observe what's going on. They know when their guests come and go. They are very aware of who is there and when.
- They are in the process of installing a surveillance system on the driveway.

Frank Alaniz, enter for following comments into the record:

- Fiebig and Bovinet claimed they weren't operating the B&B at the last meeting. Yet, the B&B was being operated.
- They won't be in the home to monitor activities.
- Others can buy a home next to their home and convert it into a B&B.

Board of Appeals members discussions were as follows:

- There was concern that they advertised and rented the B&B without a Conditional Use Permit from the Town of Taycheedah.
- The attorney indicated in his memo dated 10/28/09, that if the B&B has been rented prior to the issuance of a Conditional Use Permit, several violations have occurred.
- If they approve the Conditional Use Permit, anyone else in the Town of Taycheedah could have a B&B.
- They must stipulate that any action by the Board of Appeals does not set precedence.
- The decision at the June 9th meeting was to approve the Conditional Use Permit contingent upon Attorney John St. Peter concurring that the proposal met Section 13-1-71. Legal counsel determined that the original proposal did not meet Section 13-1-71. Yet, they operated the B&B anyway. It was noted that due to communications issues between attorneys; it took several months to get an applicable opinion.
- The Attorney Rosenfeldt advised that there could be forfeiture(s) for violations of the ordinance.
- They had all other State and County permits.
- Two to three neighbors are opposed.
- The consensus was that there should be a penalty. It was agreed that the Town of Taycheedah Constable would have the authority to issue a citation for an ordinance violation.

Tom Friess motioned, seconded by Jim Rosenthal, to approve the Conditional Use Permit to operate a bed & breakfast with one rental unit, the Constable will be directed to consider issuing a citation for a violation of the ordinance pursuant to his authority.

Roll call vote:

Barb Bertram	no
John Buechel	no
Gale Burg	yes
Tom Friess	yes
Jim Rosenthal	yes

Motion carried (3-2).

It was noted that Clerk Brenda Schneider was directed to contact Constable Bill Gius regarding issuing a citation for an ordinance violation.

October 29th, 2009

Board of Appeals

4.

Fiebig/Bovinet dba: Moondance Bed & Breakfast Conditional Use Permit

John Buechel motioned to adjourn the public hearing at 7:40 p.m., seconded by Barb Bertram. 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, October 29th, 2009, at 7:30 p.m., at the Taycheedah Town Hall for the purpose of considering the extension of a Temporary Conditional Use Permit to operate an asphalt plant issued to Northwest Asphalt, Inc.; Summit Quarry, LLC; and Evenson Construction Co., Inc. and amendments to the Conditional Use Permit to quarry issued to Summit Quarry, LLC and Evenson Construction, Co., Inc. Members present were Chairman James Rosenthal, John Buechel, Barb Bertram, Tom Friess and Gale Burg. The hearing was tape-recorded and Secretary Brenda Schneider took notes. The Chairman called the public hearing to order at 7:49 pm. Brenda Schneider read the notice of public hearing.

Donald Stark, Northwest Asphalt, Inc., was sworn in. His testimony and responses to Board of Appeals questions were as follows:

- They request an extension of the Temporary permit for a portable hot-mix asphalt plant.
- The approved permit is set to expire 11/30/09.
- They request a one-year extension of the temporary permit.
- There are two major State projects going out for bid. The Winnebago Drive project and the Hwy. 23 project are both planned for completion during the 2010 paving season.
- They are not requesting a change in the hours of operations contained in their current permit.
- He has not received any complaints regarding odor. Brenda Schneider noted that the Town has not received any odor complaints either.
- He did receive complaints regarding truck traffic traveling to and from the plant using Mengel Hill Road. He acknowledge that the State prescribes certain routes of traveling; suggesting the use of County roads. He was unaware of any damage to Mengel Hill Road specific to truck travel. His company was contacted twice about trucks driving on Mengel Hill Road. During his investigation of the complaints, he discovered that there were three incidents of other asphalt company trucks using the road for a project unrelated to Hwy. 151 and a Stark single-axle truck pulling a trailered skidsteer also traveled on Mengel Hill Road.. He knew that Meyer Court had recently been asphalted but he was unaware if those trucks used Mengel Hill Road to access Meyer Court. Independent truckers hauled the asphalt from the plant for the Hwy. 151 project. The drivers were given route instructions. Approximately 7,000 truck trips moved between the plant and the job site during the project. One trucking company was advised that Stark would not be dispatching them due to their failure to follow the advised route.
- If the permit is extended, the plant and storage tank would remain on site.
- He does not intend to fence off the access driveway over the winter.
- The anticipated State projects will be let by mid-November.
- If not awarded either of the State projects; they could bid on other projects in the area.

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

- Dave and Dan Bertram have sold their dairy cows; so they no longer use water to cool the milk. He is currently driving off-site to Roger Braun's pit to get water. He would like to use the farm well. He estimates a need for 2,500-5,000 gallons of water per day; which is far less than the cows used. Water is used when they are crushing; if it isn't wet or raining.
- He acknowledged that fill material was being brought to the site for future use in reclamation. He commented that Evenson charges a fee for the ability to dump material at the site. Due to a past complaint, he discontinued allowing the depositing of fill material. He requests a clarification on whether or not depositing fill material is subject to the hours of operation for the quarry. They control the material deposited and noted that the activity meets NR135. The top driveway needs to be used to access the dumping site. He always maintains a second berm at the top side of the quarry edge. He noted that the Bertrams use the top driveway as a field entrance. He has a permit from the County to lengthen the culvert. It was noted that the quarry is limited to two driveways

and that the berm could be extended to the east but it is unknown if the Bertrams could make the turn with their large equipment.

- He is currently contracting with Viking Explosives for blasting services. They follow the same ordinance. They are shooting a different pattern than what has been used in the past.
- He wasn't informed until last week that there were complaints about trucks driving on town roads.
- There was an effort recently by the State and their contractor to operate on Saturday afternoon and Sunday. He decided not to allow it.

Kris Meixensperger was sworn in. Her testimony to the Board of Appeals was as follows:

- Another quarry was required to conduct a hydrological study before operating. Shouldn't this quarry be held to the same standards? She was informed that the farm well is more than 700 feet deep; well below the aquifer used by others in the area.

Dan Freund was sworn in. His testimony to the Board of Appeals was as follows:

- He has well reports that state that the Bertram well is 645 feet deep into the St. Peter aquifer and the well at the Northeast Asphalt Quarry is 900 feet deep into another aquifer.
- Last week Thursday, he was visited by David Barber and another individual involved with the DOT project. They wanted his consent to operate the quarry on Saturday from 2:00-6:00 and Sunday from 6:00-6:00. Last Friday, Dan Hass from Northwest Asphalt asked him to sign a statement regarding the change in hours for that Saturday and Sunday. During his conversation with Mr. Hass, he learned that there were three complaints regarding truck traffic on Mengel Hill Road. He said the State requirement is to use County roads. He noted that contractors could be required to pay for road damage. Mr. Freund commented that he also spoke to Jim Thomas (sp), DOT-Green Bay. Mr. Thomas asked him if he wanted the project shut down. Dan stated that it was unnecessary at this late stage of the project. Mr. Thomas advised him that the Town could go after Stark or Evenson for help in repairing town roads damaged due to truck traffic. There were numerous days when trucks drove on Mengel Hill road both empty and loaded with asphalt or gravel.
- He experienced a smell from the plant once.
- There were incidents where the trucks were going out a few minutes after shutdown time but he knew once the material is mixed it has to go out.
- There were two bad blasts. Sean Abler reportedly spoke to the blaster, a new trainee, after one of the blasts. The blasting has been a little heavier. Orville Freund had some damage that Evenson has been taken care of.

Dan Bertram was sworn in. His testimony to the Board of Appeals was as follows:

- On site is an 8,000 gallon tank with a float that has been served by a garden hose. The quarry has a minimal need for water that will not impact the local water supply.
- There were 300 dairy cows in the barn.

Charles Kiefenheim was sworn in. His testimony to the Board of Appeals was as follows:

- An average cow drinks 50 gallons of water on a cooler day; depending upon the quantity of milk being given.
- The closest city well is seven miles away.
- WE Energies in Johnsburg had to go down 700 feet.
- The amount of water needed for the quarry operation would be a lot less than a farming operation.

Dan Freund's additional testimony was as follows:

- He enquired about the animals currently held on the farm. Bertrams responded that 150 steers are on the property.
- He commented that he feels the dumping of fill should be part of the quarry operation.

Dave Bertram was sworn in. His testimony to the Board of Appeals was as follows:

- He requested clarification as to whether he, as a farmer, is restricted from depositing material at the dumping site. It is not unusual for them to have broken concrete, stones and dirt/clay from activities such as fence-line clearer that they need to dispose of. He is nervous about doing normal farm operations on his farm because someone may complain.
- He thinks it is good for the area to have asphalt competition.
- He has heard that a neighbor may be concerned about the possibility that an asphalt plant could become permanent in the future. He noted that he is not fond of cell towers; yet he accepts them.
- He added that unlike the quarry, cows need water seven days a week.

Gary Jung was sworn in. His testimony to the Board of Appeals was as follows:

- He has no problem with the asphalt plant.
- He noted he may have smelled the asphalt plant during one day.
- He is a trucker. He hauled sand into the quarry for the asphalt plant everyday. He never traveled Mengel Hill Road.

Board of Appeals members' discussion was as follows:

- The Temporary Conditional Use Permit approved by the Board of Appeals did not stipulate non-use of town roads.
- The condition of Mengel Hill Road was not documented before the approval of the Temporary Conditional Use Permit, nor after project-related truck traffic.
- DOT informed Chairman Rosenthal that pursuing damages related to the project would be up to the Town Board.
- He was advised that the Board of Appeals could establish a route with bond requirements as a condition of a future permit.
- It is unknown if the Town can go back to another permit holder for road damage without there having been a condition in the original permit.

Barb Bertram motioned to extend the Temporary Conditional Use Permit for the asphalt plant to November 30, 2010, under the condition that a \$20,000 bond be submitted to the Town of Taycheedah, further authorizing Northwest Asphalt the ability to keep the plant onsite during the winter of 2009-10, and directing that if Northwest is awarded a State project, the designated truck travel route will be submitted to the Town of Taycheedah. The motion was seconded by Gale Burg.

Roll call vote:

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

Motion carried unanimously.

Evenson's application for the extension of the Temporary Conditional Use Permit included a request that Special Condition 1h, pertaining to the prohibition of an asphalt plant be eliminated the Conditional Use Permit to quarry.

Jim Rosenthal motioned to eliminate Special Condition 1h from the Conditional Use Permit to quarry, seconded by Gale Burg.

Roll call vote:

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

Motion carried unanimously.

October 29th, 2009

Board of Appeals
Northwest/Evenson/Bertram Conditional Use Permit

4.

Evenson's application for the extension of the Temporary Conditional Use Permit included a request that Special Condition 3d, pertaining to the use of reclaimed water from the milk cooling system used by the dairy farm be amended to allow the use of the farm well; which is a condition of the Conditional Use Permit to quarry.

Gale Burg motioned to amend Special Condition 3d to allow for the use of water from the farm well utilizing a tank with float system, seconded by Jim Rosenthal.

Roll call vote:

John Buechel	aye	
Tom Friess	aye	
Gale Burg	aye	
Barb Bertram	aye	
Jim Rosenthal	aye	Motion carried unanimously.

Evenson had requested clarification as to the dumping of fill material as it may be related to the Conditional Use Permit to quarry.

John Buechel motioned to allow the dumping of fill material caused by non-farm activities during the Conditional Use Permit hours of operation, seconded by Barb Bertram.

Roll call vote:

John Buechel	aye	
Tom Friess	aye	
Gale Burg	aye	
Barb Bertram	aye	
Jim Rosenthal	aye	Motion carried unanimously.


Dave Bertram requested clarification as to the dumping of fill material generated during farming operations.

Jim Rosenthal motioned to allow the dumping of fill material by the Bertrams; which would be material created by or for agricultural purposes, seconded by Gale Burg.

Roll call vote:

John Buechel	aye	
Tom Friess	aye	
Gale Burg	aye	
Barb Bertram	aye	
Jim Rosenthal	aye	Motion carried unanimously.

John Buechel motioned to adjourn the public hearing at 9:36 p.m., seconded by Barb Bertram. Motion carried unanimously

Attest 
Brenda A. Schneider, Secretary
Board of Appeals

Russell & Mary Lefebber-reduced setbacks/enlarge a non-conforming structure variance

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, May 11th, 2010, at 7:00 p.m., on behalf of Russell & Mary Lefebber. Mr. & Mrs. Lefebber request a variance to Sect. 13-1-80(a)(1), Existing Non-conforming Uses; and Section 13-1-24(f)(3)(b), Highway Setback Lines, of the Town of Taycheedah's Code of Ordinances, to allow for the enlargement of a non-conforming structure with a reduced front setback. Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Jerome Bord. The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Chairman called the hearing to order at 7:05 p.m. The Secretary read the notice.

Russell & Mary Lefebber were sworn in. Their testimony and responses to questions were follows:

- The property has a 24' x 48' x 16' detached garage. The garage is deteriorating.
- When they purchased the home, the rear entrance was deteriorated and subsequently removed and replaced with a deck.
- They wish to build an attached garage and breezeway.
- They plan to remove and replace the concrete.
- The attached garage would be 42' x 50' with a maximum height of 22'. The interior will have 10' sidewalls.
- The new garage will be 14' closer to the side lot line.
- The new garage will be attached to the corner of the house with an adjoining breezeway.
- The appearance will be similar to the house.
- There will be attic storage within the trusses.
- They own .954 acres of land.
- The breezeway will be enclosed with an abutting deck and patio.
- The project will not further impede the front setback. The front wood deck may be replaced with stone.
- No structural renovations are planned to the home.
- The house is 32' x 32' x 32'.
- The proposed breezeway has a foundation from the former entrance. He hasn't decided yet if the garage will have a foundation or a rubber membrane on a floating slab. The Board of Appeals advised Mr. Lefebber to install a foundation under the garage.
- He has not been able to locate the corner stakes. He believes, and the neighbor agrees, that the side setback is closer to 18' but they are not 100% sure.
- He plans on having a contractor shadow him on the project.
- He estimates the cost of the project to be \$50,000.

The Board of Appeals comments were as follows:

- No complaints have been received.
- A member would like to see the corner stakes marked and more detained drawings be submitted to the Town when a building permit is issued if the variance is approved.
- Square foot size limitations on the garage would not apply because it is attached.
- Based upon written communication, Fond du Lac County Highway Department has no objection to the variance request.
- The home fails to meet the minimum front setback.
- Ten foot sidewalls are planned.
- No structural changes to the home are planned.
- The estimated cost of construction will not exceed 50% of the value of the improvements.

May 11th, 2010

Board of Appeals

2.

Russell & Mary Lefebber-reduced setbacks/enlarge a non-conforming structure variance

John Buechel motioned to approve the variance requested for an attached garage and breezeway as presented due to the fact that no portion of the structure will further impede the front setback, seconded by **Gale Burg**.

Roll Call vote:

Jerome Bord	aye	Tom Friess	aye
Gale Burg	aye	John Buechel	aye
Jim Rosenthal	aye		

Motion carried (5-0).

The ordinance requirement to substantially begin the project within 6 months was explained to the Lefebers.

Gale Burg motioned to adjourn at 7:44 p.m., seconded by Jerome Bord. Motion carried (5-0).

Attest. Brenda A. Schneider
Brenda A. Schneider
Secretary

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, May 11th, 2010, on behalf of Bryan Perl. Mr. Perl requests a variance to Sect. 13-1-80(a)(1), Existing Non-conforming Uses; and Section 13-1-24(f)(3)(b), Highway Setback Lines, 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, Gale Burg and Jerome Bord. The Secretary, Brenda Schneider, recorded the hearing and took notes.

The Chairman called the hearing to order at 7:44 pm. The Secretary read the notice.

Howard Floeter, Cadre, Inc., was sworn in. His testimony was as follows:

- Mr. Floeter represented Bryan Perl.
- He was retained to develop preliminary plans; which include a site plan and elevation plan.
- Mr. Perl proposes to construct a 64'x12' deck.
- The deck is planned to be framed with treated wood and attached to the south face of the building plus five feet to the west to allow for an additional exit from the second floor.
- The State mandated a Code compliant exit to the south.
- The deck will sit on concrete footings as indicated on the elevation plan. It will have treated posts and deck boards. The railings will be 3'6" high and supported to 200# psf. The decking will support 100# psf.
- The intent of the deck is to be an outdoor smoking area. Establishing a smoking area at the south side of the building would provide the least impact to the neighborhood.
- The building pre-dates the current setback requirements.
- The current front setback is 56.63 feet from the centerline of CTH WH. The deck will reduce the front setback to 44.63 feet.
- The proposed deck will not cause vision issues with traffic flow.
- The plans have not yet been submitted to the State. He is aware that the State must review and approve the plans. He indicated that the State has Perl under time constraints to provide a safe exit to the south.
- Mr. Floeter indicated that State Code requires a minimum of 6'x6' access area and a 4' ramp.
- The deck will be built over the existing retaining wall and landscaping.
- The ramp around the west side of the building will provide handicapped access.

Bryan Perl was sworn in. His testimony was as follows:

- Mr. Perl added that the structural changes to the building will be approximately \$10,000. The deck is part of the changes. Mr. Perl was informed that the total modifications to the building over the life of the structure are limited to 50% of the fair market value.
- The County requires a 40' setback from the center of the road.
- Mr. Perl was informed that if the variance is approved, he must substantially begin the project within six months.
- Mr. Perl responded that his hardship is that the State requires an exit platform on the south side of the building. It will be the only south side access for the second floor.
- He plans to use some of the deck boards from the Fisherman's Cove; which would reduce the cost.

Chairman Rosenthal opened the public hearing for statements and questions. None were presented.

The Board of Appeals comments were as follows:

- The fair-market value of the structure is \$220,000. The estimated cost of the project is \$4-5,000.
- It was noted that Section 13-1-24(f)(3)(b) states that the front setback should not be less than 60 feet for Class 2 and Class 3 highways. The minimum is 100 feet.
- It was also noted that Fond du Lac County does not object to the request.
- The County would require at least 40 feet. The request would reduce the front setback to 44 feet.

May 11th, 2010

Board of Appeals

2.

Bryan Perl-Perl's Country Inn-reduced front setbacks/enlarge a nonconforming structure variance

- The drinking of alcohol while on the deck would be legal if the liquor license is modified to include the deck in the premise description.
- A proper exit to the south is being required by the State.
- Board members voiced concern regarding objects being thrown from the deck into the roadway. The Board discussed limiting glass containers on the deck, but they acknowledged enforcement would be difficult. Mr. Perl responded that glass is not currently allowed on the volleyball court or the horse shoe pit. He noted that 95% of his patrons respect the rule.
- The deck would improve the appearance of the structure and would improve the safe flow of people out of the building in the event of an emergency.

Gale Burg motioned to approve the variance requested for a 64'x12' deck, per the drawing submitted by Cadre, noting the State required exit on the south side of the building; which would have a front setback of 44.63' from the center of CTH WH. The motion was seconded by John Buechel.

Roll Call vote:

Jerome Bord	aye	Tom Friess	aye
John Buechel	aye	Gale Burg	aye
Jim Rosenthal	aye		


Motion carried (5-0).

Mr. Perl was advised of the need to obtain State approval of his plans, the requirement to obtain a building permit from the Town and the expected inspections.

Mr. Perl was reminded that he must substantially begin the project within six months.

Motion by Jerome Bord, second by Tom Friess, to adjourn the public hearing at 8:43 pm. Motion carried (5-0).

Attest.


Brenda A. Schneider
Secretary

May 24th, 2010

Board of Appeals

1.

Mark & Lori Lisowe-reduced front setback/enlarge a nonconforming structure variance

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, May 24th, 2010, on behalf of Mark & Lori Lisowe. Mr. & Mrs. Lisowe request a variance to Sect. 13-1-80(a)(1), Existing Non-conforming Uses; and Section 13-1-24(f)(3)(b), Highway Setback Lines, 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 John Buechel, Tom Friess, Gale Burg and Jason Meyer. The Secretary, Brenda Schneider, recorded the hearing and took notes.

Member John Buechel called the hearing to order. The Secretary read the notice.

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

- He proposes to build a 24' x 18' attached garage.
- The garage would extend 18 feet to the west and 6 feet to the north further than the existing garage.
- The sidewalls will be 8 feet.
- The roof pitch will be 5:12.
- The garage will have 4 foot frost walls and a poured floor.
- The project will not further impede upon the front setback.
- Their current attached garage is being used for one vehicle. They are currently using a dilapidated shed a distance away from the house for truck parking.
- They plan to demolish the existing garage and build a new attached garage.
- The minimum front setback is 63 feet from the centerline. The home has a 52 foot front setback.

Neighbors spoke in support of the variance.

Gale Burg motioned to approve the variance requested for an attached garage, as presented, to a home with a 52 foot front setback. The motion was seconded by Jason Meyer.

Roll Call vote:

Gale Burg	aye	John Buechel	aye	
Jason Meyer	aye	Tom Friess	aye	Motion failed (4-0).

Gale Burg motioned to adjourn at 7:19 p.m., seconded by Tom Friess. Motion carried (4-0).

Attest. Brenda A. Schneider
Brenda A. Schneider
Secretary

May 24th, 2010

Board of Appeals

1.

Arthur Gilbert-reduced front setback/enlarge a nonconforming structure variance

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, May 24th, 2010, on behalf of Arthur Gilbert. Mr. Gilbert requests a variance to Sect. 13-1-80(a)(1), Existing Non-conforming Uses; and Section 13-1-24(f)(3)(b), Highway Setbacks Lines, 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 Jim Rosenthal, John Buechel, Tom Friess, Gale Burg and Jason Meyer. The Secretary, Brenda Schneider, taped recorded the hearing and took notes.

The Chairman called the hearing to order at 8:00 p.m. The Secretary read the notice.

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

- The porch of his home is located 6 feet from the right-of-way line of Golf Course Drive. The home, excluding porch, is 9 feet from the right-of-way.
- He proposes to build a 28' x 36' attached garage.
- The sidewalls will be 12 feet.
- The garage will have 4 foot frost walls on three sides.
- The 10' x 12' detached structure will remain. The 21' x 29' 6" detached structure will be removed.
- The property is a corner lot. The setback from Winnebago Street to the proposed attached garage will be approximately 101 feet.
- He has budgeted \$18,000 for the garage. It was noted that the value of improvements is \$83,000.
- Fond du Lac County Shoreland Zoning has issued a permit.

No one appeared to support or object to the variance.

Tom Friess motioned to approve the variance requested for an attached garage to be built onto a non-conforming structure with a 6 foot front setback from the right-of-way. The motion was seconded by John Buechel.

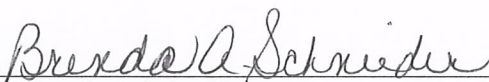
Roll call vote:

Jason Meyer aye
Tom Friess aye
Gale Burg aye
John Buechel aye
Jim Rosenthal aye

Motion carried (5-0).

Mr. Gilbert was informed that construction must substantially begin within six months.

John Buechel motioned to adjourn at 8:17 p.m., seconded by Gale Burg. Motion carried (5-0).

Attest. 
Brenda A. Schneider
Secretary

June 21, 2010

Board of Appeals

1.

Doug & Cindy Simon-reduced front setback/enlarge a nonconforming structure variance

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, June 21, 2010, on behalf of Doug & Cindy Simon. Mr. & Mrs. Simon requests a variance to Sect. 13-1-80(a)(1), Existing Non-conforming Uses; and Section 13-1-24(f)(3)(b), Highway Setback Lines, of the Town of Taycheedah's Code of Ordinances, to allow for the enlargement of a nonconforming structure with a reduced front setback. The Simon property is located at W3778 CTH WH.

Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Jason Meyer. The Secretary, Brenda Schneider, taped recorded the hearing and took notes.

The Chairman called the hearing to order at 7:00 pm. The Secretary read the notice.

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

- The house currently has a small garage and an adjacent room at the back of the home.
- The adjacent room is not heated or air-conditioned.
- The room does not have footings.
- He plans to demolish the garage and room.
- He proposes to build a 20' x 20' addition to the home that would include a garage of the same size as the existing garage and living space.
- He plans to build a pitched roof. The existing roof is flat rubber.
- The existing one-car garage has a foundation; however, he plans to replace it.
- The house is located 70 feet from the center of the road.
- The one-car garage is 85 feet from the center of the road.
- The deck is not planned to change.
- The proposed structure will meet the minimum side and rear setbacks.
- The driveway is not planned to change.
- He plans to re-use the existing garage door.
- The approximate cost of the project, including the siding is \$31,000. The fair market value of the improvements is \$135,900.

No one appeared to speak in support or opposition to the variance.

Gale Burg motioned to approve a variance for an addition to a non-conforming structure as presented, noting that the structure will not further encroach the minimum setbacks, seconded by John Buechel.

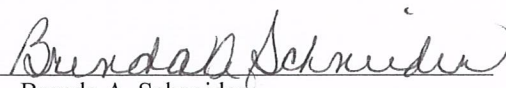
Roll call vote:

Jason Meyer aye
Tom Friess aye
Gale Burg aye
John Buechel aye
Jim Rosenthal aye

Motion carried (5-0).

Mr. Simon was informed that construction must substantially begin within six months.

John Buechel motioned to adjourn at 7:12 p.m., seconded by Gale Burg. Motion carried (5-0).

Attest. 
Brenda A. Schneider

June 21, 2010

Board of Appeals
Jim & Cheri Basler-reduced front setback variance

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, June 21, 2010, on behalf of James & Cheri Basler. Mr. & Mrs. Basler requests a variance to Section 13-1-24(f)(3)(b), Highway Setback Lines, of the Town of Taycheedah's Code of Ordinances, to allow for the construction of a home with a reduced front setback. The Basler property is located at N9092 Welling Beach Road.

Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Jason Meyer. The Secretary, Brenda Schneider, taped recorded the hearing and took notes.

The Chairman called the hearing to order at 7:30 pm. The Secretary read the notice.

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

- The cabin is 90 years old and has been used by the family on a seasonal basis.
- He proposes to demolish the cabin and build their primary retirement home.
- They looked at several options and worked with Brenda Schneider for several months.
- The beach road over time has moved to the west. The road area includes an asphalted parking area.
- If using the platted road area, the setback would be 69 feet.
- They propose a stick-built two-story home 1,700-1850 square feet.
- They also propose an attached garage that is 24 feet deep to allow for steps into the house.
- The elevation of the home will be set by Fond du Lac County Shoreland Zoning.
- Most other structures in the area have approximately 40 foot setbacks.
- In order to build the 24 foot deep garage and at least 800 sf on the first floor of the home, the structure will require a reduced front setback.
- It was noted that a variance would not be needed if the road were built per the plat. Section 13-1-24(c)(1) states that determining centerline is done by finding the midway point between the edges of the road surface.
- Basler stated that their hardships are the lake setback and fact that the road is not within the platted roadway and that it is a private road.
- Basler stated that the proposed structure would not impede emergency traffic.

Gary Schneider, N9106 Welling Beach, and Paul Meizensperger, N9090 Welling Beach, spoke in support of the variance.

Jim Rosenthal motioned to approve a variance for the construction of a home with a 57 foot front setback, noting the minimum lakeside setback will be met and that without a variance, the house would not be able to meet the other setback requirements, further noting that a garage is not a necessity and that emergency vehicle traffic shall not be impeded. The motion was seconded by Tom Friess.


Roll call vote:

Jason Meyer aye
Tom Friess aye
Gale Burg aye
John Buechel aye
Jim Rosenthal aye

Motion carried (5-0).

Mr. Basler was informed that construction must substantially begin within six months. He was also informed that he must obtain all necessary permits from the County and the Town and must have it inspected.

Gale Burg motioned to adjourn at 8:07 p.m., seconded by John Buechel. Motion carried (5-0).

Attest. 
Brenda A. Schneider, Secretary

June 21, 2010

Board of Appeals
Joe Ziegler-sign variance

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Monday, June 21, 2010, on behalf of Joe Ziegler's request for a variance to Section 13-1-101(u), Signs, Canopies, Awnings and Billboards, of the Town of Taycheedah's Code of Ordinances, to allow for rooftop signs.

Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Jason Meyer. The Secretary, Brenda Schneider, taped recorded the hearing and took notes.

The Chairman called the hearing to order at 8:05 pm. The Secretary read the notice.

Joseph L Ziegler was sworn in. His testimony and responses to the Board of Appeals members' questions were as follows:

- Ziegler bought the former Frank Nett Feed Mill in December of 2009.
- He plans retail business for the structure.
- A portion of the structure lacks sufficient wall space for wall signs.
- The store front areas of the structure has a covered roof. The area under the porch roof is all windows and doors.
- He proposes 3' x 20' roof signs. Three foot high signs would blend in well with the secondary eave line of the structure. The top of the signs would be approximately 8 feet below the roof peak height.
- The main portion of the structure would have sufficient space for a wall sign. He may consider a wall sign on the south end of the building.
- He proposes three signs on the wing portion of the building. The signs would face toward the existing commercial property across Peebles Lane.
- He doesn't plan on erecting any ground signs.
- A 10-15 amp circuit is planned for lighting. The signs would be lighted from the inside of the sign.
- He is planning for lighting in the evening for the parking lot. There are three existing poles with lights. These lights are currently being operated by a timer.
- There are canopy lights under the porch and lights at the rear entrances.
- He doesn't expect hours of operation to be beyond 10 pm.

No one appeared in support or opposition of the variance requested.

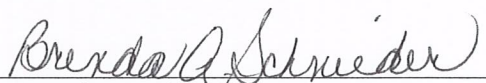
John Buechel motioned to approve the variance requested for a maximum of four roof signs not to exceed 4' x 20', with illumination per ordinance requirements and with proper bracing, seconded by Gale Burg.

Roll call vote of the original motion:

Jason Meyer	aye
Gale Burg	aye
John Buechel	aye
Tom Friess	aye
Jim Rosenthal	aye

Motion carried unanimously.

Tom Friess motioned to adjourn at 8:33 p.m., seconded by Jason Meyer. Motion carried.

Attest. 
Brenda A. Schneider
Secretary

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, November 30th, 2010, at 6:30 p.m., on behalf of William Huck, Jr. Mr. Huck requests a variance to Section 13-1-24(f)(3)(b), Highway Setback Lines, of the Town of Taycheedah's Code of Ordinances, to allow for the construction of a home with a reduced front setback.

Members present were Chairman James Rosenthal, John Buechel, Tom Friess, Gale Burg and Jason Meyer. Also in attendance were four interested citizens.

The Secretary, Brenda Schneider, taped recorded the hearing and took notes.

The Chairman called the hearing to order at 6:30 p.m. The Secretary read the notice.

William J. Huck, Jr. was sworn in. His testimony and responses to questions was follows:

- Huck proposes to change the front setback from 100', as required by ordinance, to 75' from the center of the road. He noted that Fond du Lac County Shoreland Zoning allows a 75' setback. The home would be 42' from the right-of-way line.
- The rear setback would be the required 75' from the Lake.
- The side setbacks would be 10' and 15.44'.
- The previous home on the lot was demolished.
- The new home is planned to have a 24' x 28' attached garage.
- Gale Burg noted that the site illustrates a patio 8-10' from the 75' setback line.
- The new home is proposed to use 24.47% of the lot's area.
- No living quarters are planned above the garage.

Raymond Avery was sworn in. His comments and questions were as follows:

- He questioned the size of the proposed home. It is planned to be 2,208 square-foot, two-story home, with an attached garage.
- Mr. Avery commented that it is ok with him to build a house on the lot as long as it doesn't stick out like a sore thumb near the road.
- Mr. Avery was informed that the ordinance requires a minimum of 800 square feet on the first floor for two-story homes.
- Mr. Avery reviewed the house plans.

Rolland Siebel was sworn in. His comments and questions were as follows:

- Mr. Siebel questioned the dimensions of the home. It is planned to be 36' x approximately 48' on a 67' wide lot.
- Siebel is concerned that the building will be much larger than proposed. He noted no past enforcement by the Town.
- He also noted that Huck hasn't maintained the lawn and that it took a long time for him to get a fence around the hole left after the old home was removed.
- He also claimed that rocks to a depth of three feet were added to the shoreline.

Mr. Huck's response:

- He feels he has improved the lot from what was there.

The Board of Appeals comments were as follows:

- The County has approved the proposed setback of 75 feet.
- There are many other non-conforming structures in the area.
- No objections were received.
- A member would like to see a basement survey compiled by an engineer, with a copy to be submitted to the Town and he would like to have an engineer stake the structure.

November 30th, 2010

Board of Appeals

2.

William Huck, Jr-reduced setbacks/enlarge a non-conforming structure variance

Jim Rosenthal motioned to approve the variance requested for the construction of a home with a 75' setback from the center of Winnebago Drive, citing the 75' setback meets the County Shoreland Zoning, further citing the physical limitations of a non-conforming lot that creates an inability to meet the 100' setback, and that the reduced setback would not be contrary to public interest, and under the condition that JE Arthur provide a foundation survey to the Town for verification of compliance with the approved setback. The motion was seconded by John Buechel.

Roll Call vote:

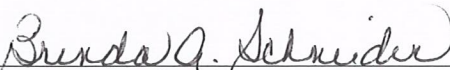
Jason Meyer	aye	Gale Burg	aye
Tom Freiss	aye	John Buechel	aye
Jim Rosenthal	aye		

Motion carried (5-0).

The ordinance requirement to substantially begin the project within 6 months was explained to Mr. Huck.

Gale Burg motioned to adjourn at 7:25 p.m., seconded by John Buechel. Motion carried (5-0).

Attest.



Brenda A. Schneider
Secretary

April 7th, 2011

Board of Appeals
Pat Bertram-reduced front setback

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Thursday, April 7th, 2011, at 7:00 p.m., at the Taycheedah Town Hall, on behalf of Pat Bertram. Mr. Bertram requests a variance to Sect. 13-1-24(f)(3)(a), Highway Setback Line, of the Town of Taycheedah's Code of Ordinances, to allow for the re-location of a detached garage; which would lack sufficient front setback to comply with the ordinance.

Members present were Chairman James Rosenthal, John Buechel, Jason Meyer, Gale Burg and Jerome Bord.

The Secretary, Brenda Schneider, taped recorded the hearing and took notes.

The Chairman called the hearing to order at 7:23 p.m. The hearing was delayed due to voice recorder problems.

The Secretary read the notice.

Patrick R Bertram, N7728 Sandy Beach Road, was sworn in. His testimony and responses to questions was as follows:

- Bertram plans to re-located an existing detached building onto an existing gravel pad.
- The gravel pad would provide about 65% of the area needed for the building. A small area would need to be filled for the remainder of the slab-area.
- The gravel pad would put the building at a 40' setback.
- If the building is situated 63' from the center of the road, it will be located within an area of poorly drained soils. The County would then require a wetland delineation. A wetland delineation could render the entire lot unbuildable. It was noted that the area has an elevation of 751'.
- There are 32 addresses on Hopokoekau with structures; 27 of which are non-conforming to the minimum front setback. Bertram recognized that some of them are non-conforming by approved variances. The average front setback of the 27 structures is 35'8". (There were additional issues with the voice recorder at this time, 7:36 pm.)
- Bertram cited the area of poorly drained soils and a 20' setback requirement from a wetland as his hardship.
- Fond du Lac County Shoreland Zoning has issued a permit for the relocation of the 24' x 24' detached garage to the lot east of the road.
- The County direct Mr. Bertram to notify the DNR of construction in poorly drained soils.

The Board of Appeals comments were as follows:

- Bertram's hardship is the lot.
- He plans to raise the garage floor about 6". The building site has an elevation of approximately 753'.
- He's requesting a variance for a 40' setback from the closest point of the building.
- He wouldn't need a permit to move the building.
- The County has issued a permit.
- Chairman Rosenthal noted that there were no attendees, or objections filed.
- Bertram would be responsible to obtain necessary professional assistance to establish the final location of the building site.

Gale Burg motioned to approve the variance requested for a detached garage with a 40' front setback per the plan presented, noting a need to avoid the area of poorly drained soils, also noting that the building is not to go beyond the elevation of 751' mark and to follow thru with contact to the DNR. The motion was seconded by John Buechel.

Roll Call vote:

Jerome Bord	aye	Jason Meyer	aye
John Buechel	aye	Gale Burg	aye
Jim Rosenthal	aye		

Motion carried (5-0).

April 7th, 2011

Board of Appeals
Pat Bertram-reduced front setback

2.

Mr. Bertram informed the Board that he will submit the DNR report to the Town for the file.

Gale Burg motioned to adjourn at 8:09 p.m., seconded by Jim Rosenthal. Motion carried (5-0).

Attest. Brenda A. Schneider
Brenda A. Schneider
Secretary

The newly appointed/re-appointed Board of Appeals members conducted an Organizational Meeting on Tuesday, June 7th, 2011, at 7:00 p.m., at the Town Hall. Members present were: Jerome Bord, John Buechel, Gale Burg and Jason Meyer.

1. Call to order. The meeting was called to order at 7:00 p.m., by Brenda Schneider, Clerk.
2. Oath of Office. The Oath of Office was administered by Brenda Schneider.
3. Election of Officers.

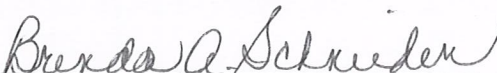
Chairman:

Gale Burg, nominated by Jerome Bord, seconded by Jason Meyer. Motion by Jerome Bord to close nominations and cast a unanimous ballot for Gale Burg as Chairman, seconded by John Buechel. Nomination carried (4-0).

Vice-Chairman:

John Buechel, nominated by Gale Burg, seconded by Jason Meyer. Motion by Gale Burg to close nominations and cast a unanimous ballot for John Buechel as Vice-Chairman, seconded by Jason Meyer. Nomination carried (4-0).

4. Public Comment. None was presented.
5. Adjournment. Motion by Jerome Bord to adjourn the organizational meeting at 7:07, seconded by John Buechel. Motion carried (4-0).

Attest. 
Brenda A. Schneider
Town Clerk

June 7th, 2011

Board of Appeals
Michael & Judith Costello-reduced road frontage variance

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, June 7th, 2011, on behalf of the Michael & Judith Costello. The Costellos request 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 Chairman Gale Burg, John Buechel, Jerome Bord and Jason Meyer. The Secretary, Brenda Schneider, recorded the hearing and took notes.

Chairman Burg called the public hearing to order at 7:09 p.m. The Secretary read the notice.

Michael J. Costello was sworn in. His testimony was as follows:

- The house and buildings are part of his second farm.
- He purchased the land from his parents in 1977.
- The parcel is 40 acres.
- His son is currently living in the house. He would like to sell seven acres of land with the house and buildings to his son.
- The parcel has approximately 34 feet of road frontage. The Zoning Code requires a minimum of 50 feet. The County Subdivision Ordinance requires a minimum of 30 feet.
- The land on both sides of the 34' strip is owned by others. He has not checked with Steve Simon or Leon Schneider to see if either would be interested in selling him some land.
- He owns a total of 80 acres in Section 33. The remainder of the land will be landlocked.
- The 34' strip contains a 500' private driveway that services the home and buildings. The driveway is privately maintained.

There was no additional testimony either in support of in opposition of the variance requested.

Brenda Schneider explained to the Board of Appeals that a certified survey map was received. In its' current form, the Town Board would have to deny the survey due to the lot failing to meet the minimum 50 foot street frontage requirement. Mr. Costello was informed that he had two options: purchase additional land 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.

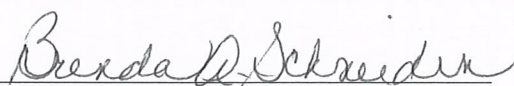
John Buechel motioned to grant the variance allowing for a 34.18 foot driveway/street frontage to become part of the certified survey map, on the grounds that the property was established prior to the Town of Taycheedah adopting a Town Zoning Ordinance and due to the fact that abutting agland owned by others is not available for Costello to purchase. The motion was seconded by Jason Meyer.

Roll call vote:

Jason Meyer	aye
Jerome Bord	aye
John Buechel	aye
Gael Burg	aye

Motion carried unanimously.

John Buechel moved to adjourn the public hearing at 7:25 p.m., seconded by Jason Meyer. Motion carried (4-0).

Attest. 
Brenda A. Schneider
Secretary

July 7, 2011

Board of Appeals

1.

Summit Quarry/Evenson Const.-Temporary and permanent amendments due to CTH Q project

The Town of Taycheedah Board of Appeals conducted a public hearing on Thursday, July 7th, 2011, at 7:00 p.m., on behalf of Dave & Dan Bertram, d.b.a. Summit Quarry, and Evenson Construction Co., Inc.. They requested temporary and permanent amendments to their Conditional Use Permit to quarry due to potential impacts caused by reconstruction of County Road Q. Members present were: Chairman Gale Burg, Jim Rosenthal, John Buechel and Erv Karls. The Secretary, Brenda Schneider, recorded the hearing and took notes.

Chairman Burg called the hearing to order at 7:01 p.m.. The Secretary read the notice.

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

- The CTH Q reconstruction project is planned to begin July 25th.
- The County plans to significantly reduce the hill by the quarry.
- The project is not expected to affect quarry operations.
- Ingress and egress to the pit will be used by the Bertrams, their visitors and their employees.
- The blasting of the hill's rock will be done by others.
- Evenson plans to blast in the quarry tomorrow and Monday.
- Evenson may use Bertram's lower driveway for ingress and egress as needed during the hill reduction portion of the CTH Q project.
- The fill material from the roadway will be used in the pit for berming and restoration.
- It is estimated that the removal of fill material from the roadway will take one week and the blasting of the roadway will take two weeks.
- The blasted stone material will be brought into the pit for crushing and stockpiling.
- The upper entrance to the quarry is not planned to be affected by the project.
- The quarry is expected to operate as normal during the project.

Paul Sponholz, Engineer, Fond du Lac County Highway Department, was sworn in. His testimony and responses to Board of Appeals members questions were as follows:

- He concurs with Pat Strachan's testimony.
- The contract was awarded to Denny Rahn.
- The contract work schedule is 6:30 am to 5:00 pm.
- The County has obtained additional right-of-way. It is 50' at its' widest point.
- They plan to reduce the hill by 10 feet.
- The upper farm entrance will be closed during the project.
- They plan to start July 25th, contingent upon the utility relocation.
- The project, per contract, is predicted to take 30 working days, excluding bad weather days. The contractor does have the ability to work Saturdays, if needed.

Chairman Rosenthal opened the public hearing for statements and questions for Evenson and the County.

Dan Freund was sworn in. His statements and questions were as follows:

- Mr. Freund questioned the periods of blasting
 - Quarry blasting will follow the Conditional Use Permit.
 - Highway project blasting is predicted to occur between 8:00 am and 6:00 pm. The blaster needs to complete three shots a day in order to stay on schedule. Weather delays may require shots to be fired later than 6:00 pm.
 - It was noted that hours of operation limitation referenced in the Town's Zoning Code do not apply to temporary blasting permits.

July 7, 2011

Board of Appeals

2.

Summit Quarry/Evenson Const.-Temporary and permanent amendments due to CTH Q project

- Mr. Freund believed Department of Industry, Labor & Human Relations limits blasting to 4:00 pm. Mr. Freund said he will call DILHR.
- The stone material will be crushed and stockpiled for sale by Evenson. The County is doing a material exchange for the project with Evenson.
- The bypass gate will remain open during the project for traffic to and from the Bertrams. The scale gate will be closed during off hours of operation.

Board of Appeals member's discussion was as follows:

Temporary amendments were identified as the following:

- ✓ The quarry ingress and egress will be used by the highway project contractor, the Bertrams, their visitors and their employees on a 24 hour a day basis during the roadway reconstruction.
- ✓ Topsoil and clay material from the roadway will be used in the quarry for berming along CTH QQ and CTH Q. It was noted that the quarry's Reclamation Plan filed with Fond du Lac County has given approval of the use of this fill material.
- ✓ Rock material blasted from the roadway will be hauled into the quarry, crushed and stockpiled for sale.
- ✓ Conditions contained in the Conditional Use Permit issued to Summit Quarry and Evenson do not apply to the highway reconstruction project.
- ✓ The highway project contractor(s) will use the lower farm driveway for ingress and egress to the quarry, as needed.
- ✓ The temporary conditions noted above will expire October 30th, 2011, or project completion; whichever occurs first.

The blasting subcontractor noted that the shots will be about 20% per hole of what is used in the quarry. The shots are more controlled and less intense. He also noted that explosives will not be stored on the site. The blaster added that shots after 5:00 will be rare. A Board of Appeals member asked the blaster to consider providing direct notice of each blast if provided with phone numbers. The blaster responded that the blasts will be on a very small scale.

Jim Rosenthal motioned to approve the temporary amendments as noted above, seconded by John Buechel.

Roll call vote:

Erv Karls	aye
John Buechel	aye
Jim Rosenthal	aye
Gale Burg	aye

Motion carried (4-0).

Erv Karls motioned to adjourn the public hearing at 7:46 p.m., seconded by Jim Rosenthal. Motion carried (4-0).

Attest. Brenda A. Schneider
Brenda A. Schneider
Secretary