

The Town of Taycheedah Zoning Board of Appeals conducted a public hearing on Thursday, May 17<sup>th</sup>, 2012, at 7:00 p.m., at the Taycheedah Town Hall for the purpose of considering the Conditional Use Permit application submitted by Don & Denise Palkovich, to operate an automotive dealership and repair shop. Members present were Chairman Gale Burg, John Buechel, Tom Friess, Jason Meyer and Jerome Bord. The hearing was recorded and Secretary Brenda Schneider took notes.

The Chairman Burg called the public hearing to order at 7:02 pm.

The Secretary read the hearing notice.

Don & Denise Palkovich were sworn in. Their testimony and responses to questions were as follows:

- Wisconsin Dept. of Transportation forced the Palkovichs to relocate their business due to the planned reconstruction of the Hwy. 23 and CTH UU intersection.
- Don's Dealership License cannot be transferred to a different parcel without municipal approval.
- Don needs to reapply for his license.
- He operates at low volume, no more than four or five vehicles for sale at a time.
- He is semi-retired. He buys and sells vehicles as a hobby. He is currently restoring an MG Midget for himself.
- Without the dealership license, he cannot attend the wholesale auctions.
- The Palkovichs did not realize that his business would require special handling in a business zoned district.
- His Dealership License would not allow him to run a salvage yard, nor the selling of parts.
- He won't have anything stored outdoors.
- He will be the only mechanic working out of the building.
- He operated at the Hwy 23 site for more than 30 years.
- Denise operates a design and sign business. She has half of the building and Don has the other half.
- Don noted that the State prohibits the sale of vehicles with the intent to profit unless licensed as a dealership.
- He buys vehicles at the wholesale auction, repairs as needed, and then sells them.
- He is not planning to do any mass advertising, such as the Action Advertiser. Don noted that the DOT requires a small sign at the location. His current sign notes hours as by appointment only.
- Don added that occasionally, vehicles come into D'Signs for lettering. In most cases, the vehicles are released by the end of the day. On rare occasions, a vehicle may be left outdoors overnight.
- The asphalt work and landscaping will be done in the next couple of weeks. It has been delayed due to wet weather.

Joe Schumacher, owner of W4531 Lakepark Drive, was sworn in. His testimony was as follows:

- He is opposed to the permit for an auto repair business.
- This type of business creates a junkyard appearance. Don responded that Mr. Schumacher's caution is unwarranted. He does not plan to create unsightly conditions. Don requested that Mr. Schumacher address any issues with him in the future.
- Mr. Schumacher referred to attorney letters sent to the Palkovichs regarding the need to store things out of site. Don responded that they have been in the process of relocating; which started late last fall. He added that the asphalt and landscaping work would be completed in the next couple of weeks.

Troy Rademann, N5561 Windview Court, was sworn in. His testimony was as follows:

- He works for Bomier Properties and is in attendance as an agent for R.A.M. Investments, Inc.
- He was the agent that sold the lot to the Palkovichs late in the fall of 2011.



- R.A.M. asked him to present their letter in opposition to the Conditional Use Permit. R.A.M. is concerned about the repair and retail sale of vehicles on the lot. They are also concerned that granting the Permit would set precedence. He stated that the request would not be in the spirit of the bylaws and restrictive covenants for the business park.
- Mr. Rademann read the letter for the record. (Exhibit A)
- When questioned by a Board member, Mr. Rademann stated that he was not aware of the Palkovichs intent to operate vehicle repair and retail sales business. He added that the Palkovichs were provided with a copy of the restrictive covenants before the sale was finalized.
- Board member John Buechel questioned if there was a possibility that the Palkovichs were mislead. Mr. Rademann took offense with the question and refused to respond. Denise Palkovich added that all parties were well aware of the activities conducted at their well-established Hwy. 23 business. Secretary Brenda Schneider reminded the Board of Appeals that they are not responsible for the enforcement of restrictive covenants and that their charge is to administer the Town's Zoning Code. She added that the Palkovich's request is allowed on the property under a Conditional Use Permit.

Tom Friess moved to approve the Conditional Use Permit, for a term of five years, under the following conditions:

- Conformance with Section 13-1-66 of the Zoning Code,
- Lights shall be mounted on the building and shall shine downward,
- Hours of operation shall be 8:00 am to 5:00 pm Monday thru Friday,
- Demolished vehicles may not be stored on the site,
- Additional parking area shall be upon the Board of Appeals review and approval,
- Waste materials may not be stored outdoors,
- The number of vehicles for sale at any given time may not exceed five, and
- Vehicles to be repaired must be stored indoors with the exception of clients delivering or retrieving vehicles after hours.

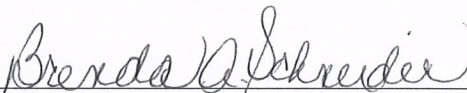
The motion was seconded by John Buechel. Roll call vote:

Jason Meyer	aye
John Buechel	aye
Tom Friess	aye
Jerome Bord	aye
Gale Burg	aye

Motion carried unanimously.

John Buechel moved to adjourn the public hearing at 7:52 pm, seconded by Tom Friess. Motion carried (5-0).

Attest

  
Brenda A. Schneider  
Town Clerk



March 27<sup>th</sup>, 2012

Board of Appeals  
Summit Quarry/Evenson Const.-CUP for quarry expansion

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, March 27<sup>th</sup>, 2012, 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 4.9-acre expansion of the quarry. Members present were: Chairman Gale Burg, James Rosenthal and John Buechel. 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:**

- They request a 4.9 acre expansion.
- Fond du Lac County has permitted the expansion under NR135.
- The proposed expansion area is currently bonded with Fond du Lac County.
- Ponding occurs at the north wall of the existing quarry. The pond is about 8" deep. The stockpile area and the 4.9 acre proposed expansion area trap the rain water.
- They plan to blast the hill out on the 4.9 acres.
- They plan to retain surface water on the 4.9 acre area; which will be used for de-watering purposes.
- Little restoration has been completed due to the stockpiling of material.
- The scale-house is not planned to be moved; it will operate as usual.
- He has received one complaint in the last couple of years.
- A berm has been located inside the gate.
- The reconstruction of Cty. Q has greatly improved vision.
- The newly created vision triangle at Cty. QQ and Q has been seeded and will be mowed as needed.

Chairman Burg opened the public hearing for statements and questions for Evenson.

**Dan Freund was sworn in. His statements and questions were as follows (Mr. Strachan's answers noted):**

- The depth of blasting in the 4.9 acre area will be as low as possible based upon the CUP.

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

The proposal meets County requirements, the depth is dictated by the Conditional Use Permit and the area is covered by the Reclamation Plan.

**John Buechel motioned to approve the request to expand the quarry operation into the adjacent 4.9 acres, seconded by Jim Rosenthal.**

**Roll call vote:**

Jim Rosenthal	aye
John Buechel	aye
Gale Burg	aye

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

Jim Rosenthal motioned to adjourn the public hearing at 7:20 p.m., seconded by John Buechel. Motion carried (3-0).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary



The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, March 27<sup>th</sup>, 2012, at 7:30 p.m., on behalf of Agri-Partners Co-op. The Coop requests a Conditional Use Permit for the installation and operation of a 30,000 gallon fuel tank. Members present were: Chairman Gale Burg, John Buechel and Jim Rosenthal. The Secretary, Brenda Schneider, recorded the hearing and took notes. The Chairman called the hearing to order at 7:30 pm. The Secretary read the notice.

**Larry Giese, representing Agri-Partners Co-op, was sworn in. His testimony and responses to Board of Appeals members' questions were as follows:**

- The Coop wishes to install the tank on their Malone property.
- Agri-Partners also has a tank in Chilton area. They plan to expand fuel sales into this area of Fond du Lac County. It is more economical to distribute from Malone than from Chilton.
- The tank will be 6 feet above ground. It is 60 feet long and 11 feet in diameter. It can be filled to 80% of capacity; which is 24,000 gallons of fuel.
- The tank has automatic shut off valves located in the bottom of the tank, mechanical trip valve and excess flow valves. The pressure release valves will reduce the internal pressure to 250 pounds. It would take a fire beneath the tank which would raise the temperature of the gas. The temperature of the gas triggers the release valves. The tank is ¾" thick single-wall. It is pressure tested to 350 lbs for a certain time, operating pressure at 150 degrees and relief pressure at 250 degrees.
- The tank also has two ground rods; one on each end. The rods are 10 feet with #4 wire.
- An 8 foot barrier fence will be installed at the control end of the tank.
- The planned location for the tank is not wetlands.
- The proposal requires a Conditional Use Permit from the Town and a permit from the State Dept. of Commerce.
- The State inspects the tank annually. They inspect the initial installation and routinely check the accuracy of the meters. Every five years, they remove and test the relief valves.
- The tank will be mounted on concrete footings and secured into place with saddles.
- State setback requirements are 50' from property lines and 50' from all roads.
- Agri-Partners also have tanks in DePere, Forest Junction, Pulaski, Luxemburg and Shirley. There have been no problems with any of them and no release of gas.
- The pump is belt-driven by a three-horse electric motor with a pressure gauge.
- The fuel is 42 degrees below zero and will instantly evaporate when released into the air.

Barb Nickel commented that her parents and uncle own a house nearby. She asked Mr. Giese the following questions, (noted by Larry's answers):

- The tank will be filled by semi-truck delivery of 9,500 gallons for each delivery.
- The tank safety relief valve is at the top of the tank.
- If there would be a release of fuel caused by fire, the flame would be at the top of the tank and it would eventually burn itself out.
- The tank will be located at the southwest corner of the property.

Additional responses from Mr. Giese based upon Board of Appeals questions were as follows:

- Agri-Partners needs to secure the Town CUP before applying to the State.
- Felker's Propane does all the design work and the State submittal.
- Traffic will primarily use the south driveway.
- The piping is regulated by Federal Code; when the Code changes, all tanks must be brought into compliance.
- Federal Code requires third-party inspections.



- Agri-Partners purchased the tank used. Felker's will install it. The State must test the tank before it can be used.

**Motion by Gale Burg, second by Jim Rosenthal, to approve the request for a Conditional Use Permit, for a term of 10 years, for the installation and operation of a 30,000 gallon propane tank with the following special conditions:**

- Compliance with all State and Federal Codes,
- Installation and maintenance of a 8 foot barrier fence encompassing the operational section of the tank,
- Installation and maintenance of a dusk-to-dawn light,
- Signage is allowed on the tank with a maximum height of 4 foot letter,
- Submission of a \$25,000 bond, and
- Submission of copies of Federal and State inspection reports within 30 days after each inspection.

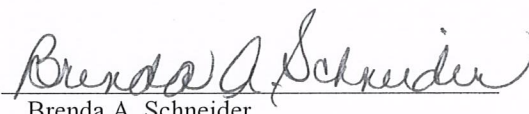
**Roll call vote:**

Jim Rosenthal	aye
John Buechel	aye
Gale Burg	aye

**Motion carried unanimously.**

Motion by Jim Rosenthal, second by John Buechel, to adjourn at 8:14 pm. Motion carried (3-0).

Attest.

  
Brenda A. Schneider  
Secretary



May 29<sup>th</sup>, 2012

Board of Appeals  
Ziewicz Trust-reduced setbacks/enlarge a nonconforming structure variance

1.

The Town of Taycheedah Board of Appeals conducted a public hearing on Tuesday, May 29<sup>th</sup>, 2012, on behalf of Ziewacz Trust. The Ziewacz request a variance to Sect. 13-1-80(a)(1), Existing Non-conforming Uses, of the Town of Taycheedah Code of Ordinances, to allow for the enlargement of a nonconforming structure with a reduced side yard setback. Members present were Chairman Gale Burg, John Buechel, Tom Friess, Jerome Bord and Jason Meyer. The Secretary, Brenda Schneider, taped recorded the hearing and took notes.

The Chairman called the hearing to order at 6:38 pm.

The Secretary read the notice.

**Mike Wirtz, Wirtz Bros. Construction, representing Ziewacz Trust, was sworn in. His testimony was as follows:**

- Four sisters inherited the property.
- The property is located at N7730 Sandy Beach Road.
- The home is 24x16 with a three-seasons room.
- The existing structure lacks sufficient side-yard setbacks to comply with the ordinance. The side-yards total 20 feet; with 12' on one side and 8' on the other.
- The lot is 60 feet wide.
- The home is used as a seasonal residence.
- The proposed addition to the home will comply with the minimum side-yard setbacks.

**Jerome Bord motioned to approve the variance as requested, seconded by John Buechel.**


Roll Call vote:

Jason Meyer	aye	John Buechel	aye
Tom Friess	aye	Jerome Bord	aye
Gale Burg	aye		

Motion carried unanimously (5-0).

Jerome Bord motioned to adjourn at 6:48 p.m., seconded by Jason Meyer. Motion carried (5-0).

Attest.

  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
APRIL 4, 2013  
6:30 P.M., TAYCHEEDAH TOWN HALL  
PUBLIC HEARING  
VARIANCE-REDUCED ROAD DEDICATION  
JOE ZIEGLER**

Members present; Chairman Gale Burg, Jerome Bord, Jason Meyer, Erv Karls and John Buechel. Also present were Rick from Winslow Engineering and Town Chairman Jerry Guelig. The Secretary, Brenda Schneider, audio recorded the hearing and took notes.

Ziegler requests a variance to Sect. 13-1-71(b), Specifications for Preparation, Construction and Dedication of Streets and Roads, of the Town of Taycheedah's Code of Ordinances, to allow for a lot with reduced dedicated road right-of-way. The property is located at N7645 North Peebles Lane.

Chairman Burg called the public hearing to order at 6:32 p.m. The Secretary read the notice.

**Joe Ziegler was sworn in. His testimony was as follows:**

- He had a Certified Survey Map prepared for the Lot 1 and Lot 2. Lot 1 has a dedicated right-of-way of 56.58' of the Ziegler property and Lot 2 dedicated a right-of-way of 33' at the north end down to 10 at the south end.
- The proposed right-of-way for Lot 2 would not include any portion of the building nor the concrete pad along the side of the building.
- His intention for Lot 1 is a new storage shed.
- The concrete along the building is deteriorating and he would like to replace it.

Brenda Schneider explained to the Board of Appeals that another certified survey map presented to the Town in 2012. The earlier version dedicated more of Lot 2 as right-of-way. A copy of both CSMs were provided to the Board of Appeals members. Schneider further advised that the Town Board prefers the 2012 version. Ziegler informed the Board of Appeals members that he prefers the 2013 version. He added that he didn't care to bear the expense of maintaining the Town's right-of-way due to the fact that it would include a large section of the parking lot and the concrete along the side of the building.

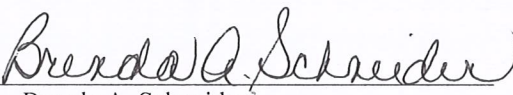
Motion by Erv Karls, second by Jerome Bord, to authorize the Town Board approve the January 31<sup>st</sup>, 2013, Certified Survey Map as drawn by Eric Otte, JE Arthur & Associates, project #5864558.

Roll call vote:

Jason Meyer	aye
John Buechel	aye
Jerome Bord	aye
Erv Karls	aye
Gale Burg	aye

Motion carried unanimously (5-0).

Motion by Erv Karls, second by John Buechel, to adjourn the public hearing at 6:47 p.m. Motion carried (5-0).

Attest.   
Brenda A. Schneider  
Secretary



**BOARD OF APPEALS  
NR135 REVIEW  
THURSDAY, AUGUST 15, 2013  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

**Non-Metallic Mining Reclamation Plan Review**

Present were Chairman Gale Burg, Jason Meyer, Erv Karls, John Buechel, Jerome Bord and Secretary Brenda Schneider. Also present were several interested persons.

The purpose of the meeting was to review amendments to the Reclamation Plan submitted by Evenson Construction Co., Inc., as requested by the Fond du Lac County Code Enforcement Department.

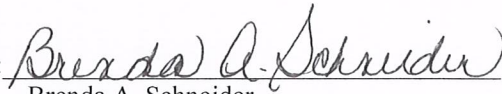
The Chairman called the meeting to order at 6:37 p.m.

NR 135 and the Fond du Lac County Nonmetallic Mining Reclamation Ordinance requires all nonmetallic mineral extraction contractors to submit reclamation plans to the County. The Code Enforcement Dept. has asked the Town to review the amended reclamation plan to determine consistency with the Town's Zoning Code and Comprehensive Plan.

The Board of Appeals deemed the amended Plan to be consistent.

Motion by Jerome Bord, second by John Buechel, to adjourn at 6:44 p.m.

Attest:



Brenda A. Schneider  
Board of Appeals Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
NOVEMBER 7, 2013  
6:30 P.M., TAYCHEEDAH TOWN HALL  
PUBLIC HEARING  
VARIANCE-SIDE SETBACK  
VASSIL TRUST-PAUL & JEAN VASSIL**

Members present; Chairman Gale Burg, Jerome Bord, Jason Meyer, Tom Friess and John Buechel. Also present were five citizens. The Secretary, Brenda Schneider, audio recorded the hearing and took notes.

Vassil requests a variance to Sect. 13-1-140(b)(3), Detached Accessory Buildings, of the Town of Taycheedah's Code of Ordinances, to allow for a boathouse with a reduced sideyard setback. The property is located at N8356 Deadwood Point Road (Parcel #T20-16-18-19-04-013-00).

Chairman Burg called the public hearing to order at 6:37 p.m. The Secretary read the notice.

**Jean Barb Vassil was sworn in. Her testimony was as follows:**

- The old boathouse had become dilapidated.
- They attempted to put it on a concrete foundation but when they went to move the boathouse; it fell apart.
- The work was done without permits.
- The neighbor was upset. He thought the slab was on his property. They hired a surveyor. The slab is located about 4" further from the lot line than was the old structure. The setback noted by the surveyor is 1'4" (Exhibit #1).
- The building is slightly larger than the old building. The old building was positioned on dirt.

Vassil presented written support of the variance from Mary Kay and Pat Guy (Exhibit #2).

Chairman Burg expressed concerned about the noted hardship of being able to get a boat into the water.

Vassil submitted three photos of mature trees located between the boathouse and the water's edge (Exhibit #3). Vassil noted that in order to meet the minimum setback, the trees would need to be removed and the shoreline altered. Vassil informed the Board that when the area was developed, all lot owners agreed to erect boathouses at the south lot line.

Vassil acknowledged that she wasn't aware of a Town ordinance.

Board Members made the following statements:

- A new boathouse replaced the old boathouse.
- The County Permit was issued after-the-fact.
- Vassil wasn't aware when the work was in process that they needed a permit to replace an existing structure.
- It is his understanding that tree removal on shorelines requires approval due to the preservation of the shore.
- The issue at-hand is 1.4-foot setback vs. 5-foot setback.

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

- He is co-owner of the property located at N8350 Deadwood Point Road.
- His parents bought the property in 1964.
- He feels it is inappropriate to build without a permit and without speaking to the neighbors. Other property owners have submitted plans to the neighbors for projects in the past.



- He claimed the old building was approximately 10' x 20' with 6' sidewalls.
- Vassil didn't maintain the building; the wood floor rotted away.
- He believes the slab was in the process of being poured on August 2. He further believes Vassil instructed the concrete guys as to where to pour it.
- Vassil spoke to him a couple of days after the pour. Neither party knew where the lot line is. Vassil said he would have a survey done.
- He expected Vassil to pursue permits.
- He believes the larger structure on a concrete slab will affect drainage. He doesn't know what actions he can take if he needs to improve drainage. Chairman Burg responded that he doesn't believe there will be problems noting that the County would have looked at the elevations, the elevations on the noted on the survey do not indicate any potential problems and that the new structure appears to be about the same distance from the lot line.
- The structure appears to have a one-foot overhang in the photos he presented to the Board (Exhibit #4). Chairman Burg added that the County would have also looked at that.
- He is of the opinion that the solution would be to move the boathouse to the minimum distance.
- Vassil lives at N8370 Deadwood Point Road.
- He believes this was done on purpose. Otherwise they would have built it further north where the previous owner had a pier.
- He doesn't believe there is a hardship and he opposes the request for a variance.

**Jean Vassil rebuttal:**

- She asked to see the photos (Exhibit #4).
- She commented that they tried to put up a nice building.
- She apologized for what happened.
- She noted that all boathouses are approximately 1' from the lot line on the entire beach. All landowners agreed to the location in order to protect the view.
- She noted that the previous pier mentioned by Weinheimer was temporary.
- She added that when the wind is from the north, the Lake overflows into the yards. It's been like that for 30 years, as long as she has lived there.
- She doesn't understand why Weinheimer is so upset about the lot line. His entire wood pile is on her property, as determined by the recent survey.
- She commented that if Weinheimer puts up a fence, they may not be able to get a boat in the water.

**Donald Scott, N8360 Deadwood Point Road, was sworn in. His testimony was as follows:**

- He owns the property just north of the Vassil property.
- The dilapidated building was originally larger. A willow tree fell on it and crushed a portion of the structure.
- Moving the Vassil boathouse five feet would affect his view which would create a hardship to him.
- He supports the request as presented.

**Robert Danner, N8350 Deadwood Point Road, was sworn in. His testimony was as follows:**

- He commented that the structure is slightly skewed.
- He added that his view is obstructed by the much taller structure. Chairman Burg responded that the sidewalls at 9' comply with the Zoning Code. Burg further responded that even if the structure were moved further away from the side lot line, it would still be an obstruction of his view.

**Board of Appeals deliberations:**

- The strength of the issue is that the County has issued a permit.
- It is the understanding that the County issued a permit applying 2011 Act 170 relating to the repair and expansion of non-conforming structures.
- There was concern about maintaining the integrity of the shoreland and the drainage of the immediate area.



Motion by Tom Friess, second by John Buechel, to grant the variance allowing for a 1'4" sideyard setback, stipulating that the County would need to address drainage issues if they arise.

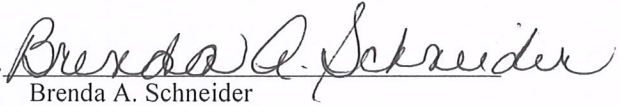
Roll call vote:

Jerome Bord	aye
Tom Friess	aye
Jason Meyer	aye
John Buechel	aye
Gale Burg	aye

Motion carried unanimously (5-0).

Motion by Jerome Bord, second Jason Meyer, to adjourn the public hearing at 7:22 p.m. Motion carried (5-0).

Attest.

  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
DECEMBER 23, 2013  
6:30 P.M., TAYCHEEDAH TOWN HALL  
PUBLIC HEARING  
CONDITIONAL USE PERMIT  
CnD SPECIALTIES, INC.**

Members present: Vice-Chairman John Buechel, Jerome Bord, Erv Karls and Jason Meyer. Also present were the petitioners. Secretary, Brenda Schneider, audio recorded the hearing and took notes.

CnD Specialties, Inc., requests a Conditional Use Permit to operate a gas station, convenience store and carwash. The property is located at N7593 Taycheedah Way.

Vice-Chairman Buechel called the public hearing to order at 6:35 p.m. The Secretary read the notice.

**Calvin Herrmann was sworn in. His testimony was as follows:**

- He is currently operating the Eden Grill under a lease arrangement. The Grill provides food items for the convenience store.
- He is purchasing the property, which includes the restaurant, gas station/convenience store and car wash.
- He intends to add a canopy and finish paving the parking lot when the second lift of asphalt is done on the street.
- He plans to expand the food items for sale, especially the meats.
- He has been operating the Eden Café for 20 years and the Eden gas station for 10 years.
- There are no plans for major expansions.
- They plan to continue operating the business as it has been operated under Lang.
- He is aware of the conditions contained in the Conditional Use Permit issued to Lang and is willing to maintain the same conditions.

**Board of Appeals discussion:**

- ❖ The Conditional Use Permit issued to Lang is non-transferable.

**Motion by Erv Karls, second by Jason Meyer, to approve a Conditional Use Permit, to be issued to CnD Specialties, Inc., for the operation of a gas station, convenience store and carwash subject to the following conditions:**

**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 overhead 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 5:00 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)(12), Setbacks and yards**-setbacks and yards are established by the Town of Taycheedah Code of Ordinances.

**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.

**Drainage**-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.

Roll call vote:

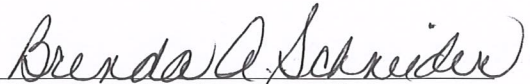
Erv Karls	yes
Jason Meyer	yes
Jerome Bord	yes
John Buechel	yes

Motion carries unanimously.

Motion by Jerome Bord, second by Erv Karls, to establish a term of 10 years. Motion carried (4-0).

Motion by Erv Karls, second by Jason Meyer, to adjourn at 6:49 pm. Motion carried (4-0).

Attest

  
Brenda A. Schneider, Town Clerk



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
R.A.M. INVESTMENTS, INC. VARIANCE  
JUNE 4<sup>th</sup>, 2014  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

Present were Vice Chairman John Buechel, Jerome Bord, Mike Holzman, Jason Meyer and Secretary Brenda Schneider. Also present were several interested persons.

The purpose of the public hearing was to consider a variance requested by R.A.M. Investments, Inc. R.A.M. requests an exception to Code of Ordinances, Section 13-1-54(d)(6), Minimum Lot Size, for approval of the Certified Survey Map creating three substandard lots within Sandy Beach Business Park.

The Secretary, Brenda Schneider, taped recorded the hearing and took notes. The Acting Chairman Buechel called the hearing to order at 6:30 p.m. The Secretary read the notice.

**Mike Korb, representing R.A.M. Investments, Inc., was sworn in. His testimony was as follows:**

- R.A.M. submitted a letter, dated May 6<sup>th</sup>, to the Town. All members have received a copy of the letter.
- They are requesting a variance to a change made to the Code
- They are requesting the division of Lot 11 into three equal parcels. All three lots contain a minimum of one-half acres and at least 100 of road frontage.
- They have owned the land for about six years. They purchased the land in 2006 or 2007.
- In the past, they have been allowed to split four lots into smaller lots of less than one acre. Five of those lots under one acre have been sold.
- They have an accepted offer on one of the substandard lots from Lot 11. They began negotiations in December or January with the offer being accepted in mid-April. They are currently in negotiations for the sale of the other two lots. He questions if the previously approved splits set a precedence.
- The one-acre minimum lot size seems rather large to them; and from a market standpoint is a hindrance to them.
- Similar splits have been approved in the past without issue and have been proven to be a catalyst for the development as well as for the Town of Taycheedah.
- They do not believe the variance would be contrary to public interest. It will promote multiple levels of expansion within the Town and an increase to the tax base.
- Early February, 2014, the minimum lot size was increased from one-half acre to one acre.
- Several lots, much larger than one acre, have yet to be sold.
- He believes the increase to the minimum lot size had reduced their ability to sell lots by 50%.

As a follow-up to a question as to why the minimum lot size was increased, Clerk Brenda Schneider explained that the Comprehensive Planning Committee spent approximately two years meticulously analyzing the Zoning Code. The Plan Commission recommended approval of the amended Zoning Code. The amended Zoning Code was approved by the Town Board. An increase to the minimum lots size in B-1 zoning was one of numerous changes recommended by the Comprehensive Planning Committee. The Committee was of the opinion that a 1/2 acre lot was not an appropriate amount of land for an active business. The Zoning Code allows for approximately 54 different types of businesses to operate on B-1 zoned land with no special permission from the Town.

Korb believes that if an active business were to locate in the Business Park; they would purchase one of the larger lots, much like the gas station did.

**Joe Schumacher, W4531 Lake Park Drive, was sworn in. His testimony was as follows:**

- Schumacher questioned what brought on the increase in lot size.
- He was the first one to purchase a lot after the Shell station.
- He indicated that there has been some activity after R.A.M. started selling the smaller lots.



- He believes the Town can get more taxes from two buildings on one acre vs. one building on that same acre.
- He doesn't need more than 1/2 acre.
- He feels the Town of Taycheedah is down on construction and the one-acre lot size is a detriment to the properties.
- He'd like to have more people down where he is but the Town is hindering it.
- There is no other business park in the Town of Taycheedah.

Clerk Brenda Schneider reminded those in attendance that the purpose of the public hearing is to determine a hardship, not to debate the pros and the cons of the currently established minimum lot size. That debate needs to be made to the Plan Commission and the Town Board.

**Eric Stone, owner of a building on Lake Park Drive, was sworn in. His testimony was as follows:**

- Stone owns a 5,000 square foot building on 0.8 acre lot. His lot was created by a Certified Survey Map split. He has more land than he needs. He is considering selling half of his lot, under a possible condo agreement, to a friend for a 40'x60' building.
- He supports the variance.
- He designed his building to be multi-purpose with four large doors to accommodate semis driving through it.
- His building could support a full service shop for a trucking company, excavator, etc.
- He feels the increased lot size severely hinders the flexibility for R.A.M. to sell out the lots. He believes this is a true hardship.
- His lot is so deep that he has a great deal of excess space.
- He thinks it is a true hardship; speaking as a user that owns a building in this subdivision.
- He works at National Exchange Bank & Trust as a commercial lender. NEBAT holds the mortgage on the property. As a person who is an interested party, representing National Exchange Bank, the company views not granting the variance as a severe hindrance to the value of their collateral and significantly restricts how R.A.M. can develop the lots and sell those lots.
- The use of the land, for building purposes, will be limited if the variance is not granted.
- A half-acre lot is much more flexible. It would limit the amount of unusable land on each lot. One acre lots would cause multiple buildings on each lot. Separate lots with separate buildings will add to the tax rolls.
- He paid the sewer connection fees and doesn't even have a well yet.
- A lender will analyze a business' parking needs, etc., before lending that business money. He thinks the size of lots should be fully self-policing.

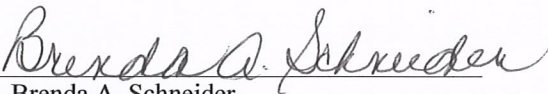
No interested or affected parties were in attendance to object to the variance petition.

Motion by Jason Meyer, second by Jerome Bord, to approve the variance and hereby authorize the Town Board to approve the Certified Survey Map splitting Lot 11 into three lots under one acre. Roll call vote:

Jason Meyer	aye	Jerome Bord	aye	
Mike Holzman	aye	John Buechel	aye	Motion carried unanimously.

Motion by Jerome Bord, second by Mike Holzman, to adjourn the public hearing at 7:04 p.m. Motion carried unanimously.

Attest.

  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
JOHN SLOTTEN VARIANCE  
JULY 1, 2014  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Chairman Gale Burg, Jerome Bord, John Buechel, Erv Karls, Jason Meyer and Secretary Brenda Schneider. Also present were the petitioner and two interested residents.

The purpose of the public hearing was to consider a variance requested by John Slotten. Slotten requests an exception to Section 13-1-24(f)(3)(a), Highway Setback Lines, of the Town of Taycheedah Code of Ordinances, to allow for the construction of a detached garage with a reduced front setback.

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

The Chairman called the hearing to order at 6:33 p.m. The Secretary read the notice.

**Brenda Slotten, representing John Slotten, was sworn in. Her testimony and responses to questions were follows:**

- They plan to build a detached garage similar to the house. They have not submitted drawings of the propose structure. It was noted that the Town's ordinances do not require submission.
- The pitch of the roof is planned to be the same as the house.
- The siding and the brick will match the house. They also plan to improve the lakeside appearance of the garage with brick.
- The garage is proposed to be 852 sq. ft.
- The minimum setback from the center of the road is 63'. They are requesting a setback of 45'.
- They have secured a permit from County Shoreland Zoning.
- The County is requiring the removal of a patio slab and the brick walkway.
- The entire property will be greatly improved.
- The proposed location of the garage is planned to preserve a mature chestnut tree.
- As the driveway gets longer, the garage will need to be smaller due to the County's impervious surface rule.

Chairman Burg requested the submission of detailed plans for the garage.

**Richard Cusick, N7824 Sandy Beach Road, was sworn in. His testimony was as follows:**

- He's hesitant about change.
- He would expect with the new garage, the overflow of stuff would no longer be stored in the yard. Currently there is a boat hoist, a temporary shelter and several vehicles.
- He hopes the structure will have similar pitch as the house and be nice in appearance, as was testified to by Brenda Slotten.
- Cusick questioned if the 63' minimum setback is from the center of the road or the center of the easement. He added that the road weaves within the easement area. It was noted that the Zoning Code requires the front setback on a private road be measured from the center of the paved area.
- He is not opposed to the garage.
- The group discussed allowable temporary parking on the lawn and noted that there will also be plenty of room between the garage and the road for parking.
- Cusick noted that if the project is built based upon Brenda Slotten's testimony, he would rather see it closer to the road than closer to the house.



**Judy Cusick, N7824 Sandy Beach Road, was sworn in. Her testimony was as follows:**

- The lot is 60' wide.
- The existing garage (located on a separate lot, under separate ownership, on the east side of the road) was converted years ago into a cabin for the mother-in-law. After the mother-in-law vacated the cabin, the owner used it as a rental unit. It is the only rental unit on the beach.
- Slotten bought the lakeside lot.
- There are three families using the property; the Slottens, the renter and the owner of the backlot that contains an old barn. The renters have two cars, the Slottens have several vehicles and the owner comes and goes routinely. This is the only property on the beach being used in this manner.

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

- For peace of mind, the Slottens were directed to present the neighbors with their design plans. Brenda Slotten stated that they would be glad to do so.

**Motion by John Buechel, second by Jerome Bord, to approve the variance for a front setback of 45' for the construction of a detached garage as requested, citing limitations of the narrow lot, limitations of Shoreland Zoning and the preservation of the chestnut tree.**

Roll Call vote:

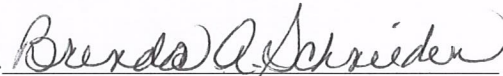
Jason Meyer	aye	Gale Burg	aye
Erv Karls	aye	John Buechel	aye
Jerome Bord	aye		

Motion carried (5-0).

The ordinance requirement is to substantially begin the project within 6 months.

Motion by Jerome Bord, second by Jason Meyer, to adjourn at 7:06 p.m. Motion carried (5-0).

Attest.

  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
ORGANIZATIONAL MEETING  
FEBRUARY 19, 2015  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Jerome Bord, John Buechel, Erv Karls, and Joe Sabel. Also present was Recording Secretary Brenda Schneider.

1. Call to order. The Organizational Meeting was called to order by Vice Chair John Buechel at 6:35 p.m.
2. Oath of Office. The Oath of Office was administered to Jerome Bord and Joe Sabel.
3. Election of Officers.

Chairperson: Jerome Bord, nominated by John Buechel. Motion by Erv Karls, second by Joe Sabel, to close nominations and declare a unanimous vote for Jerome Bord as Chairperson. Motion carried (4-0).

Vice Chairperson: John Buechel, nominated by Jerome Bord. Motion by Erv Karls, second by Joe Sabel, to close nominations and declare a unanimous vote for John Buechel as Vice Chairperson. Motion carried (4-0).

4. Public Comment. None presented.
5. Adjournment. Motion by Jerome Bord, second by John Buechel, to adjourn the Organizational Meeting at 6:38 p.m. Motion carried (4-0).

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



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
PUBLIC HEARING  
JNJT, LLC/PEEBLES PLAY & STAY KENNEL, LLC  
FEBRUARY 19, 2015  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Chairman Jerome Bord, John Buechel, Erv Karls, and Joe Sabel. Also present was Secretary Brenda Schneider. Excused: Tom Friess. Absent: Jason Meyer.

The purpose of the public hearing was to consider the Conditional Use Permit application submitted by JNJT, LLC, to construct and operate a dog kennel providing boarding and daycare services.

The Chairman Bord called the public hearing to order at 6:40 pm.

The Secretary read the hearing notice.

Jennifer George and Joel Gudex were sworn in. Their testimony and responses to questions were as follows:

- They propose to build a 40-unit kennel.
- The kennel will provide daycare and over-night boarding.
- The initial plan is for dogs only. If they have a demand for cats; they may consider it in the future.
- Daycare hours will be from 7:00 a.m. to noon for drop-off; and, 4:00 to 6:00 p.m. for pick-up. Resting time and activities are planned for noon to 4:00 p.m.
- There will be no weekend daycare, only boarding services.
- Public hours for drop-off and pick-up of boarding clients will be Saturday from 8:00 a.m.-noon; and, Sunday & Holidays from 4:00-6:00 p.m.
- They plan to feed the boarded dogs in the morning. They do not plan to be there at night unless there is a need; such as a sick dog.
- The building is also planned to provide two automatic self-wash dog bays. The bays will be accessible from the outside seven days a week from 7:00 a.m. to 10:00 p.m. Only one of the bays will be equipped initially. The bays will have automatic door locks.
- Linda, owner and operator of Kennel Inn, will retire and close her business once Peebles Play & Stay is open. Linda will work with Peebles for a while. Her customers plan to use Peebles once Linda closes the Kennel Inn.
- They plan to offer grooming by appointment.
- The facility will have indoor and outdoor surveillance. The surveillance will be accessible by any computer and certain cellphones.
- The kennel area will have acoustic panels on the ceiling and no windows. The entire structure will have in-floor heat.
- Two of the big outdoor pens will have artificial turf. They may add a pond in the future.
- The front of the kennel will look similar to a house. It will be stick built with windows. They want it to be inviting in appearance. There will be landscaping positioned along the pen to block the dogs' view of the parking lot and the road so they don't bark every time a car drives by or enters their parking lot.
- The building will be served by an on-site mound system.
- If needed, the office area could provide temporary sleeping quarters.
- The structure will have an extra room to be used for quarantine, if needed. Also, several areas will accommodate crate holding, if needed. And, some of the pens will have moveable partitioned walls to be used by family groups.
- There is existing driveway access onto Hwy 151. The driveway will be capable of allowing two cars to pass each other. Highway access is under the jurisdiction of the State.
- Exterior lighting will be hooded. Motion lights are planned for the back.



- All of the outdoor pens will be fenced.
- The kennels will be sanitized daily.
- Dog waste will be picked-up and disposed of in a dumpster. Waste Management will provide a dumpster and removal services. If there is interest from a farmer; they will consider composting the waste.
- They have personally spoken to the neighbors to the north and the south, as well as Mr. Spies. All of them are in support.
- The Klamrowski's horses are at the south end of their property. If there is a problem in the future, they are willing to make modifications to the fence.
- They hope to start construction by April 1<sup>st</sup>. They want to be operating by summertime. Summertime and holidays are the busy times.
- They have secured preliminary approval from the bank. They are also working with Fond du Lac County Economic Development Corporation.
- The plan to employ a part-time groomer and cleaner; eventually employing a second groomer and cleaner.
- Their next step would be to submit their construction plans for State review and approval.

No opposition was presented. Brenda Schneider noted, per Wis. Stats., written notice was sent to all property owners within 300 feet.

Chairman Bord declared the public hearing closed at 7:01 p.m.

#### **Board deliberations:**

The Board of Appeals members received a copy of JNJ, LLC's application for a Conditional Use Permit (Exhibit A), and a copy of the Peebles Play & Stay Kennel, LLC Business Plan (Exhibit B). The members discussed possible conditions in the event the Conditional Use Permit is approved.

The Town has standard General Conditions currently contained in other Conditional Use Permits. The General Conditions cover topics related to default, non-transferability, and other legal issues.

The Board of Appeals discussed the following Special Conditions, per the guidelines contained in Section 13-1-68 of the Town's Zoning Code:

1. Landscaping. Landscaping to be completed, per the stated plan, with completion by October 1, 2015.
2. Type of Construction. Type of construction per the plan presented. (Exhibit C).
3. Construction Commencement and Completion Dates. Construction may commence on or before April 1, 2015, with completion to be as soon as reasonably possible.
4. Sureties. Sureties were determined to be not applicable.
5. Lighting. All exterior lighting shall be hooded. Dusk-to-dawn lighting shall be installed in the front of the building. Dusk-to-dawn or motion lighting shall be installed in the back of the building.
6. Fencing. Fencing shall be installed around all outdoor pens.
7. Operational Controls. Interior and exterior surveillance cameras shall be installed. Automatic locks shall be installed on the dog wash bays.
8. Hours of Operation. The business will be open to the public from 6:00 a.m. to 10:00 p.m., with an occasional exception granted by JNJ, LLC, on a case-by-case basis due to unusual circumstances. The standard business hours, per Exhibit D.
9. Traffic Circulation. Traffic circulation per State guidelines.
10. Deed Restrictions. Deed restrictions were determined to be not applicable.
11. Access Restrictions. Access restrictions per State guidelines.



12. Setbacks and yards. Setbacks and yards must meet the minimum as established by the Town of Taycheedah Zoning Code.
13. Type of Shore Cover. Type of shore cover was determined to be not applicable.
14. Specified sewage disposal and water supply systems. The structure will be served by an on-site mound system and a private well.
15. Planting screens. Bushes shall be planted along the front-facing sides of the pens. Additional plantings per the landscape architect's design, yet to be designed.
16. Piers and Docks. Piers and docks were determined to be not applicable.
17. Increased parking. The parking facility is planned for seven stalls. Any increase in the parking facility shall require approval of the Board of Appeals.
18. Any other requirement necessary to fulfill the purpose and intent of this Chapter.
  - a) Signage will be on the front of the building. Signage is prohibited within the highway right-of-way.
  - b) Animal waste to be disposed of via contracted services. The on-site composting of animal waste shall require the approval of the Board of Appeals.

Motion by Erv Karls, second by John Buechel, to approve the Conditional Use Permit for Peebles Play & Stay Kennel, for a term of ten years, under the following conditions:

- Conformance with Section 13-1-66 of the Zoning Code,
- The Town's standard General Conditions,
- The above-noted Special Conditions.

Roll call vote:

Erv Karls	aye
Joe Sabel	aye
John Buechel	aye
Jerome Bord	aye

Motion carried unanimously.

Motion by John Buechel, second by Erv Karls, to adjourn the public hearing at 7:25 pm. Motion carried (4-0).

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
PUBLIC HEARING  
JNJT, LLC/PEEBLES PLAY & STAY KENNEL, LLC  
APRIL 16, 2015  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Chairman Jerome Bord, John Buechel, Erv Karls, Jason Meyer and Joe Sabel. Also present was Secretary Brenda Schneider. Excused: Tom Friess.

The purpose of the public hearing was to consider an amendment to the Conditional Use Permit issued to JNJT, LLC, for the construction and operation of a dog kennel providing boarding and daycare services. The Board of Appeals granted a CUP to JNJT, LLC, on February 19, 2015.

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

The Secretary read the hearing notice. Voice recorder malfunctioned.

Jennifer George and Joel Gudex were sworn in. Their testimony and responses to questions were as follows:

- Exhibit C, submitted on February 19, 2015, illustrated an east/west orientation of the building.
- Tim Simon has since shot the elevations of the lot. The lot slopes 9 feet from the front to the back.
- The office is planned for the original location; however, the kennel portion of the structure will now be situated in a north/south orientation (Exhibit A).
- The interior of the structure will not change.
- The State has received, reviewed and approved the current plans.
- The State has approved their driveway permit application.
- They plan to begin digging in one month.

Chairman Bord declared the public hearing closed at 6:35 p.m.

**Board deliberations:**

**Motion by Erv Karls, second by John Buechel, to approve the amendment to the Conditional Use Permit for Peebles Play & Stay Kennel, per the State-approved plans as presented.**

**Roll call vote:**

<b>Erv Karls</b>	<b>aye</b>
<b>Joe Sabel</b>	<b>aye</b>
<b>John Buechel</b>	<b>aye</b>
<b>Jason Meyer</b>	<b>aye</b>
<b>Jerome Bord</b>	<b>aye</b>

**Motion carried unanimously.**

Motion by John Buechel, second by Erv Karls, to adjourn the public hearing at 6:36 pm. Motion carried (5-0).

Attest



Brenda A. Schneider  
Town Clerk



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
PUBLIC HEARING  
LAURIE LEESTMA/MORE FOR THE MONEY AUTO SALES  
MAY 13, 2015  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Chairman Jerome Bord, John Buechel, Tom Friess, Jason Meyer and Joe Sabel. Also present was Secretary Brenda Schneider. Excused: Erv Karls.

The purpose of the public hearing was to consider the Conditional Use Permit application submitted by Laurie Leestma, to conduct a retail/wholesale automobile dealership.

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

The Secretary read the hearing notice.

Laurie Leestma, 115 Rose Avenue, Fond du Lac, was sworn in. Her testimony and responses to questions were as follows:

- She intends to operate a retail/wholesale used car lot at N7658 CTH WH in Peebles.
- The inventory would be limited to 12-20 cars at one time.
- The business would be run by Leestma and her son-in-law Rob.
- Rob is a certified auto mechanic.
- Their current office building, a wholesale auto operation, has been condemned by the City of Fond du Lac.
- They do have some inventory at this time.
- Their expected hours of operation would be Monday-Friday 11:00 a.m. to 7:00 p.m., and Saturdays daytime and by appointment.
- They plan to use the office in the front of the existing building.
- Photos of current inventory were circulated amongst the Board of Appeals members. They primarily purchase 2002-2009 vehicles.
- They will often purchase a vehicle at one auction, or from another dealer, and then take it to another auction to be sold. Wholesale cars would rarely be on the lot.
- Sales via wholesale need quantity to make money. Retail sales are more profitable.
- Leestma is a Registered Nurse; she thinks ethically.
- The cars for sale will be located on the parking lot.
- They will not utilize a garage on the site initially because none are available; however, when one comes available, they intend to lease it.
- They are currently paying someone to inspect cars. They intend to someday use a garage on site for inspections and needed repairs to inventory.
- They do not plan to increase the parking lot or exterior lights.
- They expect to post a sign with a light.
- They have yet to determine the Saturday hours of operation, possibly 10:00 a.m. to 6:00 p.m.
- The business will not be obtrusive to the neighborhood.
- They do not expect to provide auto servicing during the first year; only inspection and needed repairs to inventory vehicles when and if a garage becomes available.
- They have a trailer for the storage of used parts. Discarded parts and fluids will be disposed of in a proper and timely manner.
- The aesthetics of the property are important to them and to the community.
- The owner of the property is open to the construction of another garage for their use.
- There are no planned structural changes to the existing building.
- Signage will be placed on the existing building.



Stan Freund, owner of the building, was sworn in. His testimony was as follows:

- He assured the Board of Appeals that the property will be kept clean.
- He is poised to enter into a lease agreement with Leestma.
- He will maintain the lawn maintenance and snow plowing.

Laurie Krawczyk, part owner of Tim's Alignment and Auto Sales, was sworn in. Her testimony was as follows:

- They (Tim & Laurie) operate Tim's Alignment.
- They have a current Conditional Use Permit for automotive repair shop and used car dealership.
- The community dictated what they wanted via several meetings; some of which were volatile.
- They are concerned about the Saturday hours. They are allowed to operate only until noon, no more than 26 weeks a year.
- The proposal has potential for auto service.
- They would like to see consistency with the hours of operation for the two businesses. They requested that any deviation from their hours of operation also be applied to them. Secretary Schneider noted that considering an amendment to the Krawczyk CUP would require a future properly noticed public hearing.
- Lighting in their CUP is specifically noted to be mounted on the building and shining down. More lighting at their business would improve safety and deter illegal activity.
- Their CUP required fencing and containment measures compliant with EPA standards.

Tim Krawczyk's comments were as follows:

- He also deals in wholesale auto sales.
- He preps vehicles for auction at his business location.
- The auction could be days away from the date of purchase.
- He suggested allowing more leeway than 20 cars.
- He requested that Leestma's hours of operation be consistent with their hours.
- They apply their hours of operation to service and sales.
- He limits his towing service to the hours of operation.
- He noted that they were required to install bypass lanes on the highway.
- He added that wholesale auction purchases are delivered at various times; sometimes beyond the hours of operation. The delivery service does their work in a quiet, unobtrusive manner.

An interested citizen was in attendance to observe. However, he commented on the dangerous access to the highway due to a bad blind spot.

Seeing no further testimony or comments, Chairman Bord declared the public hearing closed at 7:06 p.m.

#### **Board of Appeals deliberation.**

The Board of Appeals discussed the following Special Conditions, using the Krawczyk CUP as a guideline:

1. General Conformance. Leestma agrees to comply with the standards set forth in Section 13-1-66 of the Town of Taycheedah Zoning Code and the business is a referenced Conditional Use in Section 13-1-54(c)(1) and (3).
2. Setbacks and yards. Vehicles shall be parked beyond the public right-of-way.
3. Specified sewage disposal and water supply systems. The structure is serviced by Taycheedah Sanitary District No. 1 and has a private well.
4. Fencing. Fencing shall be installed for the temporary storage of tires, discarded parts and containment of used fluids shall be by EPA standards.
5. Lighting. Any additional lights shall be mounted on the building and shall shine downward.
6. Hours of Operation. The hours of operation shall be as follows:
  - a. Sales.  
Monday thru Friday-7:00 a.m. to 7:00 p.m.  
Saturday-10:00 a.m. to 2:00 p.m.



b. Service.

Monday thru Friday-7:30 a.m. to 6:00 p.m.

Saturday-10:00 a.m.-2:00 p.m.

7. Traffic Circulation. All damaged or demolished vehicles may be stored on the site for a period not to exceed one month.
8. Increased Parking. Additional parking area shall be upon the Board of Appeals' review and approval of an amendment to this Conditional Use Permit.
9. Disposal of waste materials. All waste materials shall be disposed of in a timely and proper manner.
10. Vehicle Inventory. Automobile inventory shall not exceed 25 vehicles at any one time.
11. Repair of Vehicles. An exception to the hours of operation is service clients delivering or retrieving their vehicles.

**Motion by John Buechel, second by Tom Friess, to approve the Conditional Use Permit, for a term of five years, under the following conditions:**

- All General Conditions as outlined in the Town's standard Permit.
- Special Conditions, Items 1-11 as noted above.

**Roll call vote:**

Jason Meyer	aye
Tom Friess	aye
John Buechel	aye
Joe Sabel	aye
Jerome Bord	aye

**Motion carried unanimously.**

Motion by John Buechel, second by Joe Sabel, to adjourn the public hearing at 7:35 pm. Motion carried (5-0).

Attest



Brenda A. Schneider  
Town Clerk



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
INFORMATIONAL MEETING  
AUGUST 11, 2015  
6:45 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Jerome Bord, John Buechel, Tom Friess, Erv Karls, and Jason Meyer. Also present was Recording Secretary Brenda Schneider and Attorney Matt Parmentier.

1. Call to order. The Informational Meeting was called to order by Chair Jerome Bord at 6:53 p.m.
2. Farmland Preservation-Conditional Use Permits for non-farm residences. Attorney Parmentier presented an overview of the comprehensive changes to the Town's Farmland Preservation Program in response to the 2009 Working Lands Initiative. Specifically highlighted were Base Farm Tracts, the 1:20 ratio and the limitation of no more than two non-farm residences per Base Farm Tract, per Town's Zoning Code.
3. Adjournment. Chairman Bord declared the informational meeting adjourned at 7:14 p.m.

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



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
PUBLIC HEARING  
CYRIL & LUCINA KLAPPERICH  
CONDITIONAL USE PERMIT  
AUGUST 11, 2015  
7:00 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Jerome Bord, John Buechel, Tom Friess, Erv Karls, and Jason Meyer. Also present were Recording Secretary Brenda Schneider and Attorney Matt Parmentier.

The Chairman called the hearing to order at 7:15 pm. The Secretary read the notice. Secretary, Brenda Schneider, recorded the hearing and took notes.

**Jeff Butzke, Compass Surveying, representing the Klapperichs, was sworn in. His testimony and responses to Board of Appeals members' questions were as follows:**

- The Klapperichs retained him to prepare two Certified Survey Maps splitting the buildings from the farmland.
- They intend to keep the land in the family via the formation of an LLC amongst several family members.
- There is no planned change in occupancy of the homes.
- Cyril Klapperich resides at W3131 Cody Road.
- Lucina Klapperich resides at W3204 Cody Road.
- The dedicated right-of-way does not count toward the 1:20 ration.
- The minimum setback of 100' around structures intended to house livestock is met.
- There are no new buildings planned and some of the older buildings may be removed.
- Both parcels impacted by the Certified Survey Maps are part of Base Farm Tract #91, consisting of 144.00 acres.
  - The maximum allowable non-farm residence acreage is 6.85 acres for this Base Farm Tract.
  - Both Certified Survey Maps total 5.525 acres (1.861 acres and 3.664 acres).

No other testimony presented in support of the Conditional Use Permit.

No testimony presented in opposition to the Conditional Use Permit.

Chairman Bord declared the public hearing closed at 7:23 p.m.

Board of Appeals deliberation:

- Attorney Parmentier reviewed the standards for Conditional Uses, Section 13-1-52(d)(2)(a)1-3 and Section 13-1-52(d)(2)(b).
- The Board of Appeals confirmed both Certified Survey Maps conform to the Conditional Use Standards for non-farm residences.

**Motion by Tom Friess, second by Jason Meyer, to accept the application and approve issuance of the Conditional Use Permits, requested by Cyril and Lucina Klapperich, for two non-farm residences under the following conditions:**

- A copy of the Certified Survey Maps are to be attached to the Conditional Use Permits;
- Compliance with the Town of Taycheedah Zoning Code;
- Surveyor's note to be added to the CSMs; and
- The Conditional Use Permit shall include the standard language contained in the sample provided by Attorney Parmentier with the exception of Items 3b, 3c and 3e.

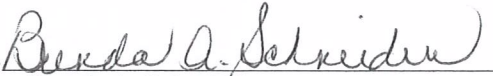


**Roll call vote:**

<b>John Buechel</b>	<b>aye</b>
<b>Tom Friess</b>	<b>aye</b>
<b>Erv Karls</b>	<b>aye</b>
<b>Jason Meyer</b>	<b>aye</b>
<b>Jerome Bord</b>	<b>aye</b>

**Motion carried unanimously.**

Motion by Erv Karls, second by John Buechel, to adjourn at 7:32 pm. Motion carried (5-0).

Attest.   
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
ADAM & TRACY SPIES  
AUGUST 11, 2015  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Chairman Jerome Bord, John Buechel, Tom Friess, Erv Karls and Jason Meyer and Secretary Brenda Schneider.

The purpose of the public hearing was to consider a variance requested by Adam & Tracy Spies. The Spies requested an exception to Section 13-1-24(f)(3)(a), Highway Setback Lines, of the Town of Taycheedah Code of Ordinances, to allow for the construction of a detached garage with a reduced front setback.

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.

**Adam Spies was sworn in. His testimony and responses to questions were follows:**

- Unique features of the lot include the placement of the existing home and the need to maintain proper drainage.
- Due to these unique features, the only reasonable location for the garage would be to the east of the home, between the house and the road.
- Approval of the variance would not be contrary to the public interest due to the fact that it would not impact anyone in a negative way. If the variance is denied, the garage would be placed on the south back area of the lot. Building at this alternate site would negatively affect the neighbors' drainage and would cause dirty run-off into the Lake.
- Shoreland Zoning has approved the proposed location after a few minor modifications.
- They own the second last home on a dead-end private road.
- He contacted all six of his neighbors. No one objected to the proposed building site.
- The garage will be 840 sq. ft. located 10' from the road edge.
- He also plans a 652 sq. ft. addition to the house.
- Their lot is 1.131 acres.
- His father owns the property across the road. This property cannot be split into lots less than 5 acres.
- Their hardship is that the current 22' x 22' garage is too small for his truck and there is no storage room for toys, equipment, etc. He prefers to not leave these items outside.
- There is a neighboring structure within 150 feet to the north that is approximately 15-18 from the edge of the road. To the south there is a pole shed on Hopokoekau that is 10-15 from the edge of the road.

No one spoke in support of the variance.

No one spoke in opposition to the variance.

Chairman Bord declared the public hearing closed at 6:45 p.m.

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

- The northern location would block the view of the house from the road.
- Runoff would negatively impact the Lake and the neighboring property.
- The need for adequate storage.
- Limitations of the lot size and the land configuration.
- The enforcement of the setbacks in the Town's Zoning Ordinance and the County Shoreland Zoning Ordinance.



Motion by Erv Karls, second by John Buechel, to approve the variance for a front setback of 10' from the edge of the road for the construction of a detached garage as requested, citing limitations due to the configuration of the lot, limitations of Shoreland Zoning and the elimination of any negative impact on drainage.

Roll Call vote:

Jason Meyer	aye	Tom Friess	aye
Erv Karls	aye	John Buechel	aye
Jerome Bord	aye		

Motion carried (5-0).

The ordinance requirement is to substantially begin the project within 6 months.

Motion by John Buechel, second by Jason Meyer, to adjourn at 6:52 p.m. Motion carried (5-0).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
PUBLIC HEARING  
PAUL & NANCY DIEDERICHS  
CONDITIONAL USE PERMIT  
AUGUST 11, 2015  
7:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Jerome Bord, John Buechel, Tom Friess, Erv Karls, and Jason Meyer. Also present were Recording Secretary Brenda Schneider and Attorney Matt Parmentier.

The Chairman called the hearing to order at 7:35 pm. The Secretary read the notice. Secretary, Brenda Schneider, recorded the hearing and took notes.

**Paul Diederichs was sworn in. His testimony and responses to Board of Appeals members' questions were as follows:**

- The minimum setback 100 feet around barns. The Certified Survey Map proposes 66 feet to the north.
- Diederichs did not want to include 100 feet to the north as there are no plans to house animals in the barn addition. He figures if more land is included it would be unkempt.
- Brenda Schneider noted that she informed the surveyor, via email, of the 100 foot setback requirement.
- Attorney Parmentier stated that the options would be to require the lot line be pushed north to 100 feet, add a restriction to the Conditional Use Permit or apply for a variance. The consensus was to include a condition that no livestock can be housed in the north barn addition.

Board of Appeals deliberation:

- Attorney Parmentier reviewed the standards for Conditional Uses, Section 13-1-52(d)(2)(a)1-3 and Section 13-1-52(d)(2)(b).
- The Board of Appeals confirmed the Certified Survey Map conforms to the Conditional Use Standards for non-farm residences.
- Diederichs can apply for a variance in reference to housing animals in the barn addition or a deed restriction could be required to disallow livestock in that portion of the barn.
- Brenda Schneider noted that a deed restriction will require perpetual enforcement.

**Motion by Jason Meyer, second by Tom Friess, to accept the application and approve issuance of a Conditional Use Permit, requested by Paul & Nancy Diederichs, for one non-farm residences under the following conditions:**

- A copy of the Certified Survey Map are to be attached to the Conditional Use Permit;
- Compliance with the Town of Taycheedah Zoning Code;
- Surveyor's note on the Certified Survey Map state *The 4.16 acre parcel created by this CSM is the first non-farm residence on Base Farm Tract #180, consisting of 260.22 acres, as described on the Town of Taycheedah Base Farm Tract Map dated 2/6/14; and*
- Surveyor's note on the Certified Survey Map state *Pursuant to the terms of a separately-recorded deed restriction no livestock may be kept in the shed.*

**Roll call vote:**

John Buechel	aye
Tom Friess	aye
Erv Karls	aye
Jason Meyer	aye
Jerome Bord	aye

**Motion carried unanimously.**



The second Certified Survey Map submitted creates a 3.00 acre parcel on lands owned by 3-D Dairy (Base Farm Tract #166) and the third Certified Survey Map submitted creates a 7.46 acre owned by Paul & Nancy Diederichs (Base Farm Tract #91).

**Paul Diederichs was reminded that he remains under oath. His additional testimony was as follows:**

- He intends to swap his 7.46 acres with 3-D Dairy for their 3.00 acres.
- Their intention is to build a new home on the 3.00 acres.

Seeing no testimony in support or opposition, Chairman Bord declared the public hearing closed at 8:38 p.m.

Board of Appeals deliberation:

- Attorney Parmentier reviewed the standards for Conditional Uses, Section 13-1-52(d)(2)(a)1-3 and Section 13-1-52(d)(2)(b).
- The Board of Appeals confirmed the Certified Survey Map conforms to the Conditional Use Standards for non-farm residences.
- Attorney Parmentier noted that a Conditional Use Permit is not required for the 7.46 acre survey due to the fact that the land will continue to be use for agricultural purposes.

**Motion by Erv Karls, second by John Buechel, to accept the application and approve issuance of a Conditional Use Permit, requested by 3-D Dairy and Paul & Nancy Diederichs, for one non-farm residences under the following conditions:**

- A copy of the Certified Survey Maps are to be attached to the Conditional Use Permits;
- Compliance with the Town of Taycheedah Zoning Code;
- Surveyor's note on the Certified Survey Map state *The 3.00 acre parcel created by this CSM is the first non-farm residence on Base Farm Tract #166, consisting of 73.90 acres, as described on the Town of Taycheedah Base Farm Tract Map dated 2/6/14.*

**Roll call vote:**

John Buechel	aye
Tom Friess	aye
Erv Karls	aye
Jason Meyer	aye
Jerome Bord	aye

**Motion carried unanimously.**

Motion by Erv Karls, second by Jason Meyer, to adjourn at 8:40 pm. Motion carried (3-0).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
CONDITIONAL USE PERMIT  
MICHAEL & JULIA KREUZIGER  
DECEMBER 17, 2015  
6:00 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Chairman Jerome Bord, Erv Karls, Jason Meyer, Tom Friess and John Buechel. Also present: Clerk Brenda Schneider and 17 interested persons.

The Chairman called the hearing to order at 6:02 pm. The Secretary read the notice, recorded the hearing and took notes.

Chairman Bord announced the rules to be used for the hearing. Motion by Erv Karls, second by John Buechel, to approve the rules. Motion carried (5-0).

The purpose of the public hearing was to consider issuing a Conditional Use Permit for a Bed & Breakfast requested by Michael & Julia Kreuziger for property located at N8504 Linden Beach Road.

**Julia Kreuziger was sworn in. Her testimony and responses to Board of Appeals members' questions were as follows:**

- The Kreuzigers have had contacts from people interested in renting their property during EAA and the PGA.
- They were not aware that a permit was needed to rent their house out for a couple of times a year.
- They have no intention of making it a full-time, year-round rental business.
- Rental of the property is beneficial for area businesses.
- They will not put up any signs.
- There would be no major changes to the property.
- The property complies with the guidelines for a Conditional Use Permit.
- They have secured the necessary State and County Permits.
- They are aware some of the neighbors are against the idea. They promise to address and remedy any issues that should arise. If not remedied, the renters will be asked to leave.
- The caliber of people willing to pay the premium that they will charge are not usually trouble makers.
- As for traffic on the road, if the house was filled with a family big enough to fill the house, there would be just of much traffic, if not more. She believes they and rental guests would use the road less than most people that live on the road because they go to Florida various times throughout the year.
- The rental portion of the home is four bedrooms.
- They will limit the rentals to no more than 8 guests.
- The rentals would be one week per month.
- It is doubtful that they would rent it over the winter.
- They prefer to rent to families.
- The owners plan be present whenever rented.

**Testimony is support of the Conditional Use Permit:**

**Jodi Steffes, N8450 Minawa Beach Road, was sworn in. Her testimony was as follows:**

- She lives one beach to the south.
- Several families have spent weekends at the house, such as during EAA. They spent money at local restaurants and gas stations, etc.
- Renters have been pilots, doctors, and dentists.
- They have come from other states and countries to enjoy our area and Lake Winnebago.



**Kim Laws, 845 Country Club Lane, was sworn in. Her testimony was as follows:**

- She has been present at times during rental visits.
- The visitors have been appreciative. They saw it as a privilege to stay in a quiet, respectful area.
- The renters were affluent.
- The Kreuzigers have been selective in their process of approving renters.

**Testimony is opposition of the Conditional Use Permit.**

**Don Weiland, N8512 Linden Beach Road, was sworn in. His testimony was as follows:**

- He lives in the first house to the north.
- He is strongly opposed to the Bed & Breakfast.
- B&B activity on a lake is substantially different than off of a lake. They tend to spend more time at the property. B&B visitors normally use the property as a hub; they go into town, out to EAA, etc. But on a lake, most of the activity takes place at the site.
- Some days he has seen 8 or 9 men stay at the Kreuziger's overnight.
- He's seen families as large as maybe 12.
- Children are attracted to the Lake.
- The lots are 66' wide. The activity at the Kreuziger's is 70-90 feet away from his property.
- The kids are outside by 9:00 making a lot racket that goes on most of the day.
- The Kreuzigers have kayaks, paddles boats and volleyball available.
- The people that are there are on vacation. They like to party. They gather around the fire ring and drink.
- He and his wife normally go to be around 9:30. In the summer, when you live on the Lake, you open the windows to the bedroom in the summer. You enjoy listening to the waves hitting the shore and feeling the breeze off of the lake coming thru the windows.
- Most the time it is hard to get to sleep due to the talking. Many times the talking extends to late into the night; sometimes past midnight. Once there was noise until 2:30 am. Neighbors 3 to 5 doors north of him can hear the people talking. He is the first house north; he hears everything they say.
- If he wants to watch TV at night. He can see them; they can see him. He has to close the blinds. It's very uncomfortable with 8-10 people on the beach able to see him in his livingroom.
- This is more than a B&B. It's more like a resort. If there are kids there, the noise goes on from 9 am until the wee hours of the morning.
- It's a violation of his privacy and his comfort. He will not tolerate it.
- His opinion is if they can get \$700 per night; they will accept more than one rental per month.
- Most of the residents of the beach are between 65-87 years old.
- When he came to the area, it was a very nice, quiet, private and secluded beach.
- He's had to request children leave his pier for fear of getting hurt.
- They've lost their privacy; their comfort zone. It will only get worse.
- They conducted a survey of the extreme south end of Linden to access Road up to and including the Deuster house. It included 12-13 homes. Everyone is opposed and will not tolerate it. Some have been there more than 30 years.
- He presented three letters in opposition from neighbors unable to attend.

**Jeff Scarf, N8490 Linden Beach Road, was sworn in. His testimony was as follows:**

- He read aloud a letter, on behalf of him and his wife, in opposition.
- When there is a gathering on the patio, there is undoubtedly much more noise than normal.
- They moved away from Schmitt's to get away from noise. It was a living hell.
- A B&B could impact property values. It may be more difficult to sell a house next door.



- They enjoy the Kreuzinger's company and are happy to have them as neighbors, but they are opposed to the business operation.
- When they built their home on Garden Drive, Schmitt's was a marina. Then it became a tavern. He fears the same thing will happen here.
- He disagrees with bringing business into a residential neighborhood.

**Bill Nettelhorst, N8516 Linden Beach Road, was sworn in. His testimony was as follows:**

- He lives two doors north.
- He's opposed to the B&B and asked for denial of the permit.
- Kreuzigers rented the house out in 2014.
- They tolerated it until after the third time it was rented.
- Neighbors got together May 23, 2014. He submitted a copy of a letter, dated May 23, 2014, from six neighboring homes to the Kreuzigers. Bill read portions of the letter aloud.
- Their website appeared to be a business of renting. They asked that all of the reservations noted on the website be cancelled.
- He checked into Town regulations but they still wanted to handle the matter themselves.
- There was one prepaid rental at the time. The neighbors agreed to allow the rental per the Kreuzigers request.
- It has been extremely uncomfortable. It's noisy. And they don't like it.
- He can see the fire pit from his bedroom. He has to close his windows and his blinds.
- He presented a picture of the private road. The easement says it's 20-feet wide but it is really 11-12 feet wide. They all pay for it. There's a lot of traffic. There's little kids. There's a tennis court and trampoline on the opposite side of the road. The kids bolt across the road.
- Every single house, with the exception of one owner that they couldn't get ahold of, are opposed.
- He submitted a letter in opposition from George and Mary Ann Winter.

**Rose Mary Ries, N8520 Linden Beach Road, was sworn in. Her testimony was as follows:**

- She's married to Chuck.
- They have lived on the beach for 40 years.
- They are three houses from the Kreuzigers.
- Everything she wanted to say has been said.
- The road is 11-12 foot car path. It's a gravel road that goes thru each lot. They pay for all of the repairs.
- Children are running around.
- She is concerned about the impact of the B&B on property values.
- She is concerned about liability in relation to the pier.
- They are also very uncomfortable about the B&B.

**Dian Winter, N8530 Linden Beach Road, was sworn in. Her testimony was as follows:**

- She also agrees with all of the testimony presented in opposition.
- She is also concerned about safety issues. The children do not look for cars.
- Visitors arriving by boat may not know about the sandbars and may not use it in a safe manner.
- Asked if the Permit would stay with the property if sold. Chairman Bord responded it would not be transferable.

**Bob Ramstack, N8592 Linden Beach Road, was sworn in. His testimony was as follows:**

- He is the Secretary/Treasurer for the Linden Beach Road Association.
- It is a private road. Every property owners pays dues for the maintenance of the road.
- He is concerned about increased road damage due to increased traffic.
- A lot of people are on fixed incomes. They complain about the current dues.



**Pamela Bullington, N8516 Linden Beach Road, was sworn in. Her testimony was as follows:**

- She stands with her neighbors in opposition to the B&B.
- The community is a tight-knit group. They resolve issues themselves.
- Past renters were loud.
- They doubt future rentals will be different than the previous ones.

**Julia Kreuziger's comments in rebuttal were as follows:**

- A lot of what you're hearing is not accurate. They've only had a few rentals prior to learning they needed a permit.
- She could remember only one group going down by the fire pit. If the neighbors are having problems with people by the fire pit, it is them. She knows their issues aren't with them because they are not noisy.
- They indicated that the whole summer was booked. It was not. She blocked the weekends they wanted to keep for their own use.
- It will not be rented often. They intend to rent for EAA and other special events. They expect little activity.
- They will only rent when they are home. They also live in Florida.
- Because of living in Florida, they use the road far less than the people that live their year-round.

**Kevin Steffes, N8450 Linden Beach Road, was sworn in. His testimony and responses to Board of Appeals members' questions were as follows:**

- He is the President of the Minawa Beach Association.
- He appreciated the neighbors' comments but felt they were filled with uncertainty and untruth in regards to their concerns.
- There seems to be more activity down Minawa Beach Road due to heavy equipment used during the construction of two buildings on Linden. They had to stop the trucks from using their road. They pay for their road as well.
- As far as the boats, no one can control how a boater uses his boat.
- The Conditional Use Permit should state that renters should not use piers owned by others.
- As for the campfire, there was a gentleman in attendance, who spoke in opposition, was louder than anyone else sitting around that campfire. The owners and their friends, including himself, gather around the fire pit. They are the ones making the noise. Very little noise has come from renters. He takes full responsibility for the noise.
- He has been to the house when some EAA people were there. They've met some wonderful people. He did not see them make noise, very little if any. Any noise during that time was them.
- The owners and their friends can view into Don's windows whenever they are at the campfire.
- This is not a Motel 6. The people that are spending this money are making a lot of money. These are not low-budget partiers.
- Some young kid could rent the house next door. There are homes on the beach that are fully furnished and are available for rent that you would have no idea who could rent them. That person could be a whole lot worse than what the Kreuzigers are proposing.
- The Kreuzigers are very professional and do a good job at what they do.

**Don Weiland, N8512 Linden Beach Road, rebuttal comments to Steffes' testimony were as follows:**

- He lives next door; Steffes doesn't.
- People made noise until 2:30 am one morning.



- It doesn't make any difference how much money people make.
- He disagreed with most of Steffes' comments.

**Kevin Steffes, N8450 Linden Beach Road, rebuttal comments to Weiland were as follows:**

- The home to the south of him is a vacation home. The owners come to the house to have fun. When it is used, they have campfires, they make lots of noise and their dogs run thru his yard. They party and they have fun. I can't tell them not to make noise on their property. It may not even be the owners visiting. It could be their family or their friends.

Chairman Bord declared the public hearing closed at 7:02 p.m.

**Appeals Board deliberations:**

- The Board is not obligated to approve based upon the fact that the State has issued a permit. The permit means that the Kreuzigers have followed the guidelines as established by the State.
- Members discussed a possible one-year term, if approved.
- A B&B is acceptable in the Lakeside Residential District per the Zoning Code, with the Town authorized to establish limitations as they see necessary.
- Members were concerned about the narrow road and the fact that it is a private road that is paid for by all of the owners.
- Everyone puts up with noise. A property owner has no recourse.
- The lack of authority to enforcement traffic rules on a private road.

Julia responded that a one-year term would be acceptable. She intends rentals on a minimum of a one-week period, such as during EAA for a 10-day period. They will not rent for weekends only. She noted that she has a set of rules. Some of the rules listed are the 15 mph speed limit. Noise is also address in the rules, as well as acceptable activities. The rules must be followed. A restriction of one week per month would be acceptable; however, there could be a problem if EAA and another special event falls in the same month. A copy of the rules was included in the Board member's packets for reference.

Per the request of an attendee, Chairman Bord read aloud letters in opposition submitted on behalf of George and Mary Ann Winter, Cal Deuster, Bill Mongin and Phyllis Gruenstein.

Chairman Bord declared a brief recess at 7:20 p.m. Session was reconvened at 7:25 p.m.

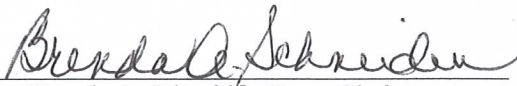
Chairman Board voiced being sympathetic to long-term residents.

Motion by John Buechel, second by Jerome Bord, to deny the requested Conditional Use Permit for a B&B. Roll call vote:

Erv Karls	aye
Tom Friess	aye
Jason Meyer	nay
John Buechel	aye
Jerome Bord	aye.

Motion carried (4-1).

Motion by John Buechel, second by Jason Meyer, to adjourn the public hearing at 7:27 p.m. Motion carried (5-0).

Attest   
Brenda A. Schneider, Town Clerk



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
R.A.M. INVESTMENTS, INC., VARIANCE  
MAY 16<sup>th</sup>, 2016  
TAYCHEEDAH TOWN HALL**

Present were Vice Chairman John Buechel, Erv Karls, Joe Sabel, Tom Friess, Jason Meyer and Secretary Brenda Schneider. Also present were few interested persons.

The purpose of the public hearing was to consider a variance requested by R.A.M. Investments, Inc. R.A.M. for an exception to the Code of Ordinances, Section 13-1-54(d)(6), Minimum Lot Size, for the approval of a Certified Survey Map creating three substandard lots within Sandy Beach Business Park.

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

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

**Mike Korb, N7814 Sandy Beach Road, representing R.A.M. Investments, Inc., was sworn in. His testimony was as follows:**

- In 2014, R.A.M. was before the Board of Appeals for the same variance for a different lot within the Sandy Beach Business Park.
- They have created a number to substandard lots that were approved in the past. There are an estimated 8-9 lots less than one-acre at this time.
- Each of the three substandard lots contained in the Certified Survey Map are one-half acre or more and meet the 100' minimum. The lot is currently 2.0 acres.
- Korb indicated they originally created a number of two-acre lots knowing that they could split them down.

Early February, 2014, the Town Board formally increased the minimum lot size from one-half acre to one acre.

Clerk Schneider informed the Board of Appeals that, per the request of R.A.M., the Town Board initiated an amendment to the Zoning Code that would have decreased the minimum lot size back to one-half acre. The Plan Commission's recommendation, after conducting a public hearing, was to not reduce the minimum lot size. The Town Board formally sustained the current one-acre minimum.

**Kevin Twohig, N7618 Sandy Beach Road, partner in R.A.M. Investments, Inc., was sworn in. His testimony was as follows:**

- They are aware the Town Board decided to keep the one-acre minimum. They also have the understanding that a variance is needed for every split.
- The buildings fit well on the smaller lots.
- Small lots are more saleable.

Member Jason Meyer referenced the first variance application for substandard lots, noting that R.A.M. was in the process of selling one of the smaller lots when the minimum lot size changed.

- Twohig commented that they are ready to go on one of the substandard lots and they have interest in the middle lot.

The floor was opened for opposition. No interested or affected parties were in attendance to object to the variance petition.

Vice Chairman Buechel declared the public hearing closed at 6:45 p.m.

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

- More buildings would increase tax revenue.



- The minimum lot size was increased in 2014 but the application doesn't meet the criteria for a hardship.

Clerk Brenda Schneider explained that the Comprehensive Planning Committee spent approximately two years meticulously analyzing the Zoning Code. The Plan Commission recommended approval of the amended Zoning Code. The amended Zoning Code was approved by the Town Board. An increase in the minimum lot size in B-1 zoning was one of the numerous changes recommended by the Comprehensive Planning Committee. The Committee was of the opinion that a ½ acre lot was not an appropriate amount of land for an active business. Schneider also noted that Shoreland Zoning currently does not apply impervious surface restrictions on business zoned property. The County is expected to adopt changes to the Code around the end of the year that would apply 40-60% impervious surface restrictions business properties. Schneider noted that, unlike other lots within the Sandy Beach Business Park, the lot in question is not within the Shoreland Zoning District.

Vice Chairman Buechel questioned the petitioner's hardship. Mike Korb responded that the Town changed the game in the middle. He believes that high-intensity businesses will buy bigger lots.

Schneider reminded the Board of Appeals that the Zoning Code allows for approximately more than 50 different types of businesses to operate on B-1 zoned land with no special permission from the Town. As an example, the Winters building began as a low-intensity use; now it includes a nail and hair salon. Parking is limited causing vehicles to frequently park on the road. Korb responded that if parking is an issue, the Town will need to require the owner expand his parking lot.

Mike Korb responded, when asked by a member about the possibility of splitting the two-acre lot into two one acre lots, that they could but he has a buyer interested in less than one-acre.

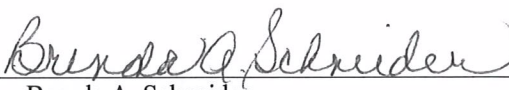
Schneider noted that R.A.M. created a two-acre lot subdivision when one-half acre was minimum. Eric Freiberg, 632 Ledgeview Boulevard, responded that they determined that two-acre lots were a manageable size with the understanding that smaller lots could be created. Twohig believes that more intensive business would be on the lots between Winnebago Drive and Lake Park Drive.

Motion by Erv Karls, second by Tom Friess, to approve the variance and hereby authorize the Town Board to approve the Certified Survey Map splitting Lot 12 into three lots under one-acre. Roll call vote:

Joe Sabel	aye	Jason Meyer	aye
Erv Karls	aye	Tom Friess	aye
John Buechel	aye	Motion carried unanimously.	

Jim Rosenthal, Town Board Supervisor, commented that the Town Board voted to keep the one-acre minimum. He added that the Board prefers to see one-acre lots.

Motion by Jason Meyer, second by Joe Sabel, to adjourn the public hearing at 7:06 p.m. Motion carried unanimously. (5-0)

Attest.   
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
PUBLIC HEARING  
SIMON CUSTOM, LLC/PRAIRIE ROCK FARMS, INC  
CONDITIONAL USE PERMIT  
MAY 16, 2016  
7:00 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Vice Chairman John Buechel, Tom Friess, Erv Karls, Jason Meyer and Joe Sabel. Also present was Recording Secretary Brenda Schneider.

The Chairman called the hearing to order at 7:15 pm. The Secretary read the notice. Secretary, Brenda Schneider, recorded the hearing and took notes.

The Simons requested a Conditional Use Permit for a non-farm residence, as required by the Farmland Preservation Program and the Town's Zoning Code.

**David A Simon, W3056 Cty. Q, was sworn in. His testimony and responses to Board of Appeals members' questions were as follows:**

- They purchased the farm at W2951 Silica Road.
- They retained James Mayer to prepare a Certified Survey Map splitting the buildings from the farmland.
- They intend to crop the farmland and sell the home and buildings.
- The dedicated right-of-way does not count toward the 1:20 ration.
- The parcel impacted by the Certified Survey Map is part of Base Farm Tract #205, consisting of 160.00 acres.
  - The maximum allowable non-farm residence acreage is 7.62 acres for this Base Farm Tract.
  - The Certified Survey Map creates a 5.0 acre parcel.
  - Surveyor's note on the Certified Survey Map states *The 5.0 acre parcel created by this CSM is the first non-farm residence on Base Farm Tract #205, consisting of 160 acres, as described on the Town of Taycheedah Base Farm Tract Map dated 2/6/14.*
- The minimum setback of 100' around structures intended to house livestock is met, with the exception of the west addition to the barn. This area will be used for storage. The addition is marked as a 'shed' on the Certified Survey Map and noted *Pursuant to the terms of a separately-recorded deed restriction no livestock may be kept in the shed.*
- There are no new buildings planned.

No other testimony presented in support of the Conditional Use Permit.

No testimony presented in opposition to the Conditional Use Permit.

Board of Appeals deliberation:

- It was noted that the proposal meets the standards, as established by DATCP and the Zoning Code. The standards are as follows:
  - The ratio of nonfarm residential acreage to farm acreage in the base farm tract will not exceed 1:20.
  - The minimum lot size for a non-farm residence in a base farm tract will be 1.5 acres.
  - It will not convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a non-farm residential parcel or non-farm residence.
  - It will not significantly impair or limit the current or future agricultural use of any other protected farmland.



Motion by Erv Karls, second by Jason Meyer, to accept and approve the issuance of a Conditional Use Permit to Simon Custom, LLC, for a non-farm residence consisting of 5.0 acres on Base Farm Tract #205, subject to the following conditions:

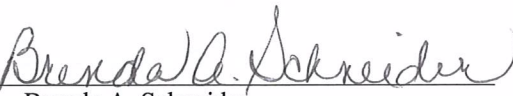
- A copy of the Certified Survey Map is to be attached to the Conditional Use Permit;
- Compliance with the Town of Taycheedah Zoning Code;
- Surveyor's note on the Certified Survey Map state *The 5.0 acre parcel created by this CSM is the first non-farm residence on Base Farm Tract #205, consisting of 160 acres, as described on the Town of Taycheedah Base Farm Tract Map dated 2/6/14; and*
- Surveyor's note on the Certified Survey Map state *Pursuant to the terms of a separately-recorded deed restriction no livestock may be kept in the shed.*

Roll call vote:

Joe Sabel	aye
Tom Friess	aye
Erv Karls	aye
Jason Meyer	aye
John Buechel	aye

Motion carried unanimously.

Motion by Erv Karls, second by Jason Meyer, to adjourn at 7:28 pm. Motion carried (5-0).

Attest.   
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
7TZ FARM GIRL, LLC, VARIANCE  
JUNE 14<sup>th</sup>, 2016  
TAYCHEEDAH TOWN HALL**

Members in attendance: Vice Chairman John Buechel, Erv Karls, Jason Meyer, Joe Sabel and Secretary Brenda Schneider. Also present were several interested persons and members of the Town Board.

The purpose of the public hearing was to consider variances requested by 7TZ Farm Girl, LLC, represented by Katherine Diederich. 7TZ Farm Girl, LLC requests an exception to the Code of Ordinances, Section 13-1-53(d)(1)(a), Minimum Lot Size; and Section 13-1-53(b)(4), limitations on livestock units, for approval of a Certified Survey Map creating 2.36 acre lot located at W3875 McCabe Road and authorization to allow 20 livestock units on said lot.

The public hearing was audio recorded.

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

**Katherine Diederich (Diederich), representing 7TZ Farm Girl, LLC, residing at W3760 Cty. Rd. WH, was sworn in. Her testimony was as follows:**

- Her goal is to receive confirmation of the Town Board approved Certified Survey Map and a variance to exceed the animal limitation.
- Matt & Julie Lefebber are the prospective buyers of the 2.36 acre lot.
- She recognized the Wisconsin Department of Ag, Trade & Consumer Protection (DATCP) and legal opinions as experts. She also consulted Section 13-1-193(c), the five criteria required for the Board of Appeals to grant the variance, as contained in the Zoning Code dated 11/25/13.
- The variance for the animals, recognizing that DATCP is the State's authority and the legal authority for Farmland Preservation, she discussed the animal limitations. She explained the General Ag zoning designation. The parcel is consistent with farming operations.
- The CSM meets the 100-foot minimum setback around the structure intended to house animals.
- As for the handling of animal waste from a 2.36 acre parcel, two farmers have entered into 5-year rental agreements for the farmland with the Diederichs'. They will be happy to spread manure waste over the rented land.
- Diederich read information received from DATCP derived from the State Statute. "*Local governments cannot discriminate against livestock agricultural when they set-up an agricultural district unless they meet the requirements. The requirements are that a political subdivision may not enact or enforce a zoning ordinance with a category of agricultural district in which livestock facilities are prohibited unless the political subdivision bases that prohibition on reasonable and scientifically defensible findings of fact adopted by the political subdivision that clearly show that the prohibition is necessary to protect public health and safety. However, the town has not satisfied this paragraph c; it does not appear that there is a public health or safety justification to support the restriction of livestock in A-2.*" The hardship would be that this section, as currently written, would be in violation of state statute.
- As for the confirmation on the Board's decision to approve a CSM for 2.36 acres, Diederich noted that the Plan Commission also motioned at a prior meeting, strong support for its' approval.
- This parcel was solicited as a farm. It is fully recognized by the prior owner as a farm.
- Effective 1/1/2016, the Town did not have a zoning coordinator.
- She investigated the zoning language. She went to the zoning board as an advisory council to the Board. She asked specifically, before she moved any further, what the interpretation was.
- She also contacted the farmland preservation on the definition of A-2.
- She noticed that there was a prior version of the zoning code. It did note that in this particular zone of A-2 that animals could be accommodated on larger than two acres with a limitation of one animal per acre.
- You will note in the zoning code, that general ag has all the likes of farm property.
- In order to not discriminate against prior or future owners of land within this general agricultural district, it specifically allows for a lot size and it also specifically addresses agriculture natures within that A-2.



- Also, she wanted to point out that the requirement for five-acres is not a state requirement. It is an arbitrary requirement. It used to be 35-acres in the zoning code. It is subject to interpretation on what nature the acreage goes with because the 5-acres was designed if a farmer wanted to sell open land to prevent future hardship for the farmer. The farmer did not want to sacrifice, or get financial security, he would never sell his buildings. It can be reasonably interpreted that the 5-acres had to do with open land not land that already had a barn, a house and a storage shed on it.
- Also noting to the Town Board that evening that throughout the comprehensive plan, it specifically addresses residents wanting open spaces and the preservation of farmland.
- Hardship to the future owner of this property, if you impose a 5-acre lot, they lose their ability from a financing perspective because of rules regarding interest rates. A 5-acre lot will disqualify my future owners from that financing option; even if farmland is incidental to the 5-acres. They will not have the ability for this type of financing.
- A hardship on the current owner, should you impose a 5-acre lot size, there is no good way to transition that piece of property into 5-acres. If you run it along the south border, she loses even more acreage. She already lost a quarter acre. If you extend the boundary the long way of the south, it's the equivalent of you giving me \$20 and I'm only going to give you \$15 back. It does not make zoning sense. Or, if you made that parcel go straight north, it disrupts the lay of the land. So, it does not accommodate. So, the hardship really is in this, not that you need a hardship but I'm going to show you that. Because the CSM really exists, but I am doing this because I would really like your sign-off on it. The hardship exists not only to the current owner but the future owners, having to impose restrictions. And it goes to why the town board, as the executors of that zoning code, have the right to interpret it. They took all of the animal references and applied it to general agriculture in nature. And they approved the CSM. What I'm looking for from you is to acknowledge their approval of that CSM. And should you need to write within your five categories that a hardship does exist, I'm also giving you that.
- The five acres would disqualify my current owners. It is not consistent with farmland preservation in which the Comprehensive Plan, the Department of Ag, Trade & Consumer Protection, wants agricultural to stay, if you parcel that off, you can take out of agricultural use realistically another 2.5 acres, which is not consistent with farmland preservation.
  - Appeals members noted the lack of identification of the various type of buildings on the CSM and being familiar with the financing matter.
- Diederich respectfully requested approval of the CSM noting some urgency in regards to current financing.
- There is nothing in approving this variance that would be viewed unfavorably. It's a farm.
  - Vice Chairman Buechel noted that a hardship cannot be related to money. He made reference to the buyer's financing matters.
- Diederich noted that this have been a long term plan, and financially, the prospective buyer would probably not be able move forward with this plan should this zoning board require five-acres.
- There are other things that she could show that making the lot 5-acres doesn't make sense. Because you never want to discriminate against an owner of an A-2 property when there are other existing A-2 properties of the same or less lot sizes. Your zoning code specifically talks about animals in this zone. So that is why I'm not particularly hung up on the hardship aspect of the CSM. The lot size, because it has been approved by the board who has the authority and who is the executor and administrator of that zoning code.
  - When question by a Board of Appeals member about the 20 units requested, Diederich explained that right now she has chickens which is one (unit) and the barn can accommodate probably only 20 units so she didn't want to have a restriction that she has 10 and somebody has a baby or somebody has two and asks her to hold them for her. She just wanted to have it where she would never have to come back and ask. The barn is set up to where they have it configured that they wouldn't fit anymore. Plus the pasture to the east would be crowded with more than 20. Twenty is a reasonable number and it would never be more than that.

**Irene Petrie, W3129 Cty. Rd. WH, was sworn in. Her testimony in support was as follows:**

- On behalf of her dad, Leander Buechel, he would be very proud to have the farm still running and have animals on the farm.



- When dad no longer could do farming, he rented the land. Petrie and her husband started renting the land and so did her sister Lori and her husband Dan, and nephew Andy Petrie. Kathy has given them the honor for five years to keep renting it.
- They have no problems using their skidsteer and helping them move manure and putting it on the rented land.
- They will be renting the shed for storage. Stuff will not be sitting outside.
- She believed her dad had 40 animals plus new stock of 15-20.
- Her dad took it over from his godmother when she could no longer farm.

**Lorraine Diederichs, N8158 Highland Drive, was sworn in. Her testimony in support was as follows:**

- She agreed with Irene's comments.
- We need to realize how many barns are out there that are eyesores because they are falling apart. They are going to keep up the property so that it looks nice.
- She want to see this move forward.

**Matt Lefeber, W3764 Cty. Rd. WH, was sworn in. His testimony in support was as follows:**

- It's a nice lot.
- The buildings are falling apart. The house is in rough shape. They plan to fix them up and raise their family there. His wife babysits kids. There's a nice area, away from the road, where the kids can play.
- He's always wanted to raise animals. He currently works on a dairy farm. He plans on a small hobby farm, not a large beef operation.

**Susan Dreger, N7983 Fairfield Drive, was sworn in. Her testimony was as follows:**

- She was not in opposition but had questions.
- They received the notification letter because their property is within 300 feet.
- What is the definition of 20 units? The ordinance definition was read aloud.
- It sounds like the approval has already been done for the 2.36 acre parcel instead of the five-acres. The Town Board has approve the CSM.
- Is the intent of the land behind them to remain a field and Lefeber will buy the house? Diederich responded with yes.
- Where will animal waste be spread? Diederich responded that she has 87 acres plus another 80 acres nearby that it can be deposited on. There will be no issues with accumulating manure or smell or flies. She is respectful of the fact that people live on Fairfield. The property is eligible for manure spreading. The Dregers spoke to Leander Buechel and Val Eppli when they bought the property 22 years ago. Mr. Buechel told them that manure would not be spread in their area. Irene Petrie commented that they have been renting the land for many years. When her husband spreads manure, it goes in and within 15 minutes it is gone. They have been spreading the land since before the Dregers moved there. They respect others in regards to the timing of manure spreading.
- When she looks at the ordinance, it states one livestock per acre. She's concerned about possible cruelty putting 20 livestock units on 2.36 acres due to limited space. Diederich responded that with the 100-foot setback to the north, east and south, there is plenty of land for those animals to roam. She assured that no animal will ever be mistreated and that there are no issues with public health and safety.
- Dreger has spoken with a number of their neighbors. They are also concerned with the amount of livestock.
- She questioned the possible change from A-2 to A-1 and the impact on property values. Dreger was informed that the rezone request was denied.
- What are the long-term thoughts regarding the 2.36 acres? Diederich explained that they and the Lefebers will have a joint farming operation in the barn, including joint maintenance of the farm property.

**Katherine Diederich rebuttal was as follows:**

- She respectfully asked for approval of both variances, the 2.36 acre CSM and the animal units, with no concern for public health and safety.

**After seeing no other further parties interested in testifying, Vice Chairman declared the public hearing closed at 7:10 p.m.**



**Board of Appeals deliberations:**

- The members referred to the three steps required to grant a variance.
- Unnecessary hardship is present due to physical limitations of the parcel.
- Public interest will not be contrary to public interest due to the fact it had animals in the past and was an operating farm.
- The joint venture includes use of the other acreage.
- Diederich added that Lefebber will be the sole owner. She will pay \$20 per month to put chickens in the barn. The 2.36 acre lot is not irregular in shape.

**Motion by Erv Karls, second by Jason Meyer, that since it was approved by the Town Board and based upon Kathy Diederich's testimony, the variances be approved. Roll call vote:**

**Joe Sabel**                      **yes**

**Erv Karls**                      **yes**

**Jason Meyer**                **yes**

**John Buechel**               **yes**

**Motion carried (4-0).**

Motion by Erv Karls, second by Joe Sabel, to adjourn at 7:17 p.m. Motion carried (4-0).

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



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
MICHAEL & KARLA DISHAW VARIANCE  
OCTOBER 27, 2016  
6:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Vice Chairman John Buechel, Mark Gulig, Tim Marcoe, Jason Meyer, Joe Sabel and Secretary Brenda Schneider.

The purpose of the public hearing was to consider a variance requested by Michael & Karla Dishaw for an exception to Section 13-1-24(f)(3)(a), Highway Setback Lines; Section 13-1-48(d)(6)(a), Sideyard Setback; and Section 13-1-48(d)(7), Rear Yard Setback, of the Town of Taycheedah Code of Ordinances, to allow for the construction of a home with a reduced front setback, a reduced sideyard setback and a reduced rear setback.

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

The Chairman called the hearing to order at 6:33 p.m. The Secretary read the notice.

**Alec Dishaw, representing Michael & Karla Dishaw, was sworn in. His testimony and responses to questions were follows:**

- The home was originally built in the 1940s, with two additions since. It is an old 20' x 40' cottage.
- The Dishaws have secured a permit from Shoreland Zoning on 9/8/16. There was no objection made by the DNR.
- The lot is 50' x 400'. It is split into two by Minawa Beach Road. The area east of the road is not buildable.
- They plan to build a single-family home. The new two-story home would be approximately 1,200 sq ft.
- The new home is projected to have be 23' from the center of the road, 8'4" north sideyard setback and 50' rear setback. Floodplain issues on the south side of the lot would cause the reduced north sideyard setback.
- Recent changes to the Fond du Lac County Shoreland Zoning Ordinance allows for the replacement of a home in the same footprint without the need for a permit; and, the replacement of a home with an increase of 200 sq. ft. or less, without a variance but a permit is required.
- The sideyard setback of 8'4" is due to limited build are. There are no structures on the two north lots. The home to the south shares the well. The well is projected to be 6' from the house. The proposed location allows for more permeable area and access by emergency vehicles. The sideyard will be nearly flat.
- Their hardship is the ability to build on limited area. The lot configuration makes it impossible to build a home similar to their neighbors' homes. The area to the east is not buildable due to the wetlands delineation. Overhead electrical wires, a sewer easement and mature trees further impact the location of a new home.
- The rear setback plans for no change to the grade elevations. They will add two rain gardens on the property. These will be located to the south of the home and on the eastern portion of the lot. The proposed home will not harm the existing waterway. The lot is unique in that the closest high-water mark is located on a neighboring lot. The distance from the new home to the high-water mark on their property will be 90'.
- The front setback involves a private road. The road is maintained by the owners, not the Town. There are about fourteen homes 25 ft. from the center of the road. It's a two-way dead-end road. The proposed structure will not inhibit emergency vehicles.
- Eric Otte, representing the sanitary district, advised them to install removable stairs in the easement area. This would not be in violation of the easement.
- Final floor plans are not yet complete.
- The house will be 23' from center, excluding the steps. It will be in conformity to the other structures on the beach.

As a requirement of law, a letter of notification regarding the variance application was sent to all property owners within 300 feet.



**Testimony in support of the variance:**

James A Michels, N8446 Minawa Beach Road, was sworn in. His testimony was as follows:

- The neighbors are very close.
- They are in support of the variance.
- The lots were built very tight.
- They had to work around floodplain issues in order to build their dream house.

**Testimony in opposition of the variance:**

None was presented.

Vice Chairman Buechel declared the public hearing closed at 7:08 pm.

**Board of Appeals deliberations and action were as follows:**

- There a physical limitations to the land due to the size and shape that are further hindered by the floodplain, the high-water mark and the sewer easement.
- Every house on Minawa Beach Road are close to the road.
- The proposed home is not grossly over-sized.
- The footprint for the new home would be a minimal deviation from the current footprint.

**Motion by Joe Sabel, second by Mark Gulig, to approve the variance for the construction of a new home with a front setback of 23', excluding the steps, 8'4" north sideyard setback and a 50' rear setback, citing limitations of the narrow lot, the floodplain designation, the application of the high-water mark, and the sewer easement.**

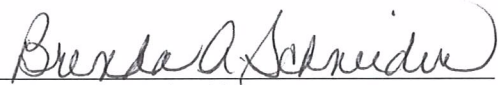
Roll Call vote:

Tim Marcoe	aye	Jason Meyer	aye
Mark Gulig	aye	Joe Sabel	aye
John Buechel	aye		

Motion carried (5-0).

Motion by Jason Meyer, second by Mark Gulig, to adjourn at 7:12 p.m. Motion carried (5-0).

Attest.

  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
R.A.M. INVESTMENTS, INC., VARIANCE  
MARCH 9<sup>th</sup>, 2017  
TAYCHEEDAH TOWN HALL**

Present were Vice Chairman John Buechel, Mark Guelig, Joe Sabel, Jason Meyer and Secretary Brenda Schneider. Absent: Tim Marcoe. Also present were few interested persons.

The purpose of the public hearing was to consider a variance requested by R.A.M. Investments, Inc. R.A.M. for an exception to the Code of Ordinances, Section 13-1-54(d)(6), Minimum Lot Size, for the approval of a Certified Survey Map creating three substandard lots within Sandy Beach Business Park.

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

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

**Mike Korb, N7814 Sandy Beach Road, representing R.A.M. Investments, Inc., was sworn in. His testimony was as follows:**

- He's been before the Board of Appeals with a similar request. The most recent was last May or June.
- There was a change to the minimum lots size after they purchased the land.
- The proposed certified survey map intends to create a 0.88 acre parcel for a service-oriented business. This business needs less than one acre. It will be located directly across from the gas station. The remainder of the lot will be split into a 0.52 acre parcel and a 0.608 acre parcel.
- Currently there are six substandard lots in the development.
- They are looking to bring more businesses into the Town.
- When asked why he didn't split the lot into two one-acre parcels Korb responded that splitting the lot into two wouldn't meet the Town's frontage requirement.
- Korb indicated they originally created a number of two-acre lots knowing that they could split them down.
- Early February, 2014, the Town Board formally increased the minimum lot size from one-half acre to one acre. Mr. Korb acknowledged being aware of this change in the ordinance.
- Adequate parking without the use of the road for said parking was a concern. Korb's rebuttal was that he cannot sell 0.5 acres to someone that needs a lot of parking area and that parking is not allowed on the road.
- Stormwater management was also a concern in light of all of the planned blacktop. Korb's response was that all water within the development goes to the retention pond.
- Lot 3 on the certified survey map could potentially be added to Lot 15. Lot 15 is a two-acre lot.
- Korb believes his hardship is that they purchased the land with the expectation of being able to reduce the lots to 0.5 acre.
- Lot 1 of the certified survey map is sold but not the other two lots.
- Korb indicated that the buyer wants to be on the corner of Winnebago Drive and Taycheedah Way.
- Korb commented on the variety of businesses in the development and that they are looking to bring in more.

Clerk Schneider reminded the Board of Appeals that, per the Town's ordinance, any one of more than 50 types of business can operate on business zoned land without any specific approvals from the Town.

No one spoke in support or opposition to the variance; however, the owner of the gas station questioned what type of business is purchasing the lot. Korb responded that it will be sales not of the type that would be competition to him.

Vice Chairman Buechel closed the public hearing at 6:51 p.m.



**Board of Appeals deliberations were as follows:**

- The variance should not be approved due to lack of hardship.
- They created the development prior to the 2014 change in lot size.
- The owners are losing potential revenue.
- The frontage requirement does not appear to be an issue.

Motion by Joe Sabel, second by Jason Meyer, to approve the variance and hereby authorize the Town Board to approve the Certified Survey Map splitting Lot 14 into three lots under one-acre. Roll call vote:

Joe Sabel	aye	Jason Meyer	aye
Mark Guelig	aye	John Buechel	aye

Motion carried unanimously.

Motion by John Buechel, second by Jason Meyer, to adjourn the public hearing at 6:55 p.m. Motion carried unanimously. (4-0)

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
SUMMIT QUARRY, LLC and EVENSON CONSTRUCTION COMPANY, INC.  
CONDITIONAL USE PERMIT AMENDMENT  
MARCH 9<sup>th</sup>, 2017  
TAYCHEEDAH TOWN HALL**

Present: Vice Chairman John Buechel, Mark Guelig, Joe Sabel, Jason Meyer and Secretary Brenda Schneider. Absent: Tim Marcoe. Also present were few interested persons.

The purpose of the public hearing was to consider an amendment to the Conditional Use Permit issued to Summit Quarry, LLC and Evenson Construction Company, Inc., for the purpose of quarry operation.

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

Vice Chairman Buechel called the public hearing to order at 7:00 p.m. The Secretary read the notice.

**Pat Strachan, representing Evenson Construction Company, Inc., was sworn in. His testimony was as follows:**

- On two occasions in the past, the Board of Appeals granted a temporary Conditional Use Permit for a portable concrete plant and a portable asphalt plant. Both plants were for limited terms.
- Pat explained that it is hard to bid on projects without knowing if a permit would be approved.
- He operated the concrete plant in 2007 for Carew. The material was used in the construction of the wind turbines.
- Pat also requests the ability to install a well. He needs to be able to wash clear stone, noting that it must be cleaner for concrete use. A photo of a coarse material washer was distributed. He explained that the machine makes little noise and uses very little water.
- Runoff water will be retained in the pit for use in dust suppression. They already have a retention area in the corner of the pit. Some clay will be added.
- The well location will be in compliance with all regulations.
- The plant location is yet to be determined. The unit is portable. Its' location is dependent upon stockpile locations.
- He does not have asphalt jobs at this time.
- He has no timeframe. He just wants the potential to be able to do it.
- There have been no issues with well water contamination. He would not object to test requirements on the new well similar to the test required in the past.
- The wash area will use the existing retention area for settlement.

There was a question amongst the Board of Appeals as to the expiration of the current Permit.

Dan Bertram, Summit Quarry, spoke in support of the amendment. He added that the farm well took care of the needs of the quarry during the concrete plant operation. This did not cause issues with groundwater.

Dan Freund was neither opposed nor supportive.

- He noted that a plant could create competition.
- Dan spoke extensively about problems with truck traffic using Mengel Hill Road during the asphalt plant operation which was in non-compliance with the Town's directives. He suggested there be a stipulation that truck traffic only use County roads.
- Responses to his questions were as follows:
  - The new well will be approximately 730 feet deep.
  - The existing farm well is cased to 240 feet.

Pat Schachan's rebuttal was as follows:

- He has asphalt and/or concrete plants in every other pit with the exception of one sand pit. They are all under special restrictions as to operation. None of them are stationary.



- He would rather have his own well. It is expected to be at least 500 feet deep.
- He doesn't remember trucks running on the weekends during the asphalt plant operation. He also doesn't remember being contacted by the Town regarding trucks running on town roads.

Vice-Chairman Buechel declared the public hearing closed at 7:41 p.m.

Board of Appeals member's deliberation was as follows:

- Well protections can be built into the permit.
- The well will be drilled into a lower aquifer.
- Temporary plants could have a two-year limitation.
- The Board of Appeals has the authority to enforce the permit.
- Hours of operation can be the same as the current permit.
- The Appeals Board members felt that unless town roads are posted with weight limits, the Town does not have the authority to declare said stipulation.
- The expiration of the permit needs to be verified.

**Motion by Jason Meyer, second by John Buechel, to approve an amendment to the Conditional Use Permit under the following stipulations:**

- The installation of the well shall be at the location indicated.
- The well shall be constructed under all State, County and local regulations.
- The installation of a portable hot mix asphalt plant or portable concrete plant for a period of two years shall be allowed.
- The portable hot mix asphalt plant or concrete plant shall operate under the same hours of operation as quarry operation.

**Roll call vote:**

<b>Joe Sabel</b>	<b>aye</b>	<b>Jason Meyer</b>	<b>aye</b>
<b>Mark Guelig</b>	<b>aye</b>	<b>John Buechel</b>	<b>aye</b>

**Motion carried unanimously.**

Motion by Mark Gulig, second by John Buechel, to adjourn the public hearing at 7:53 p.m. Motion carried (4-0).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Secretary



**TOWN OF TAYCHEEDAH  
BOARD OF APPEALS  
PUBLIC HEARING  
JNJT, LLC/PEEBLES PLAY & STAY KENNEL, LLC  
MARCH 9, 2017  
7:30 P.M.  
TAYCHEEDAH TOWN HALL**

Members present: Vice Chairman John Buechel, Mark Guelig, Joe Sabel, Jason Meyer and Secretary Brenda Schneider. Absent: Tim Marcoe. Also present were few interested persons.

The purpose of the public hearing was to consider an amendment to the Conditional Use Permit issued to JNJT, LLC, for the construction and operation of an indoor dog daycare building. The Board of Appeals granted a CUP to JNJT, LLC, on February 19, 2015.

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

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

**Jennifer George and Joel Gudex were sworn in. Their testimony and responses to questions were as follows:**

- They propose building a structure to be used as an indoor daycare center.
- Their business has taken off like wildfire. Today, they had a record 34 dogs in daycare.
- They are currently using their boarding facility for daycare due to the demand.
- Every weekend last summer was booked. They had to temporarily stop the daycare in order to handle the boarding demands during major weekends.
- Architect Scott Stellmacher designed the new building.
- The proposed structure will be 50' x 120'. It will have a 14' x 27' x 3' heated indoor pool.
- They propose putting the new building, in a north/south orientation, behind the existing one (per the site plan).
- The new building will accommodate 60 dogs.
- Weather often impacts outdoor activities. The new building is planned to accommodate all activities indoors; however, there will be some outside time.
- The building will be soundproof.
- They've received one complaint. It happened the first weekend that they were able to let the dogs outside. The dogs were outside all day Saturday and Sunday. He immediately talked to the complainant. They have since developed scheduled times/routines for outdoor activities.
- It is of utmost importance to them to keep the neighbors happy and address customers' needs.
- All activities are supervised.
- Dog waste is removed from the building daily. It is disposed of in a dumpster.
- They prefer to keep the west tree line for a sound barrier. They plan to add more trees in front of the existing building. They've also added tarps to the fence between the large and small dog areas.
- They have 24-hour surveillance with sound.
- There will be no overnight dogs in the new daycare building.

Dan Schwark, N8102 Hwy. 151, lives two doors to the north of the business.

- The owners have been very accommodating to the needs of the neighborhood.
- He feels the building would be a good step for them to grow their business.

Vice Chairman Buechel declared the public hearing closed at 8:16 p.m.



**Board deliberations:**

Seeing no further questions or concerns, motion by Vice Chairman Buechel, second by Mark Gulig, to approve the amendment to the Conditional Use Permit for Peebles Play & Stay Kennel, per the plan as presented.

**Roll call vote:**

Jason Meyer	aye
Joe Sabel	aye
Mark Gulig	aye
John Buechel	aye

**Motion carried unanimously.**

Motion by Mark Gulig, second by John Buechel, to adjourn the public hearing at 8:17 pm. Motion carried (4-0).

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



TOWN OF TAYCHEEDAH  
FOND DU LAC COUNTY, WISCONSIN

**Minutes of Board of Appeals Public Hearing  
May 25, 2017**

**CALL TO ORDER**

The meeting was called to order at 6:30 p.m. at the Town Hall. Present were Board of Appeals members Jerome Board, John Buechel, Tim Marcoe, Joe Sabel and Jason Meyer. Also present were Town Clerk Kris Marcoe, Town Attorney Matt Parmentier, representatives of Evenson Construction and L & H Gyr Excavating, as well as various members of the public. The Town Clerk confirmed open meeting notice.

**PROCEDURAL  
BACKGROUND**

Attorney Parmentier explained the procedure for the meeting, which included public hearings on two separate quarry permit requests. The first is for the renewal of the permit previously granted to Evenson Construction. The second is for a new permit to be granted to L & H Gyr Excavating.

**EVENSON  
CONSTRUCTION'S  
PRESENTATION**

Pat Strachan spoke on behalf of Evenson Construction and explained that Evenson is seeking renewal of its previous permit with no requested changes to operations. Evenson Construction is seeking a 10-year renewal term, except that its request for permission to operate an asphalt plant would apply for only two years. Mr. Strachan indicated that Evenson Construction agreed with the Town that renewal permit, if granted, should be backdated to May 10, 2016, which was the expiration date of the previous permit.

**PUBLIC COMMENTS  
AND TESTIMONY**

Members of the public raised questions about amendments to the permit, well issues, hours of operation for the driveway, and the blast area. Members of the public also discussed reducing the permit term to four years rather than 10 years and limiting the hours of operation for the asphalt plant modifying the pre-blast notice area.

**BOARD DISCUSSION/  
ACTION**

A motion was made, seconded, approved to renew Evenson Construction's conditional use permit on the terms presented to the Board with a permit term beginning on May 10, 2016 and ending on May 10, 2026.



L & H GYR  
EXCAVATING'S  
PRESENTATION

Joel Newhouse and Attorney Bill Everson spoke on behalf of L & H Gyr Excavating. They described the history of the quarry, including that it is not a blast pit and that there has been no crushing in 25 years. The quarry is a sand and gravel operation. Approximately 3,000 yards of sand were removed from the site last year. The DNR has issued the applicable storm water permits for the site. There is some concrete and clay fill stockpiled on site.

The quarry operates about two weeks out of the year, and they are seeking hours of operation of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturdays. Equipment used on the site consists of screeners, pay loaders, excavators, and dozers. Berm heights at the quarry vary. They are seeking a 10-year permit term.

PUBLIC COMMENTS  
AND TESTIMONY

Members of the public spoke regarding the application. Comments related to property line issues, reclamation bonding, the quarry's history of compliance with the Town's requests that it obtain a permit, and issues relating to the impact of the operation on a neighboring property.

BOARD DISCUSSION/  
ACTION

A motion was made, seconded, and passed to approve the permit on the following terms:

- A. The active quarry area shall be defined based on what the Reclamation Plan identifies as the permitted area, except that maintenance of the existing settlement pond and other erosion control activities are allowed outside of the active area.
- B. The permit term will be 10 years beginning with May 25, 2017.
- C. The quarry will be a sand and gravel operation only.
- D. Hours of operation will be 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 2:00 p.m. Saturdays. No Sundays or holidays.
- E. There will be no blasting permitted at the property.
- F. No contaminated fill will be allowed on the site.



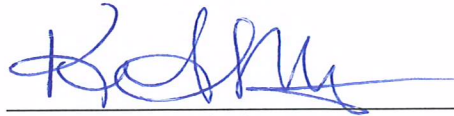
ADJOURNMENT

No other business coming before the Board, a motion was made and seconded with unanimous approval to adjourn.

Dated this 15<sup>th</sup> day of July, 2017.

TOWN OF TAYCHEEDAH

By:



Kris Marcoe, Clerk



TOWN OF TAYCHEEDAH  
FOND DU LAC COUNTY, WISCONSIN

**Minutes of Board of Appeals Public Hearing  
July 13, 2017**

CALL TO ORDER

The meeting was called to order at 6:00 p.m. at the Town Hall. Present were Board of Appeals members Jerome Bord, John Buechel, Tim Marcoe, Joe Sabel and Jason Meyer. Also present were Town Clerk Kris Marcoe, representatives of Northeast Asphalt, Inc., as well as various members of the public. The Town Clerk confirmed open meeting notice.

NORTHEAST  
ASPHALT'S  
PRESENTATION  
SIMON QUARRY

Matt Matuszak spoke on behalf of Northeast Asphalt Inc. and explained that Northeast Asphalt is seeking renewal of its previous permit with no requested changes to operations. Northeast Asphalt Inc. is seeking a 10-year renewal term. The quarry is a clean fill operation by DNR standards.

PUBLIC COMMENTS  
AND TESTIMONY

No public comments or testimony.

BOARD DISCUSSION/  
ACTION

A motion was made, seconded, and passed to approve the permit on the following terms:

- A. The active quarry area shall be defined based on what the Reclamation Plan identifies as the permitted area and remove the Town of Taycheedah bonding requirements.
- B. The permit term will be 10 years beginning with May 30, 2017.

NORTHEAST  
ASPHALT'S  
PRESENTATION  
NORTHEAST  
ASPHALT'S QUARRY

Matt Matuszak spoke on behalf of Northeast Asphalt Inc. and explained that Northeast Asphalt is seeking renewal of its previous permit with no requested changes in operations. Northeast Asphalt Inc. is seeking a 10-year renewal term. Mr. Matuszak indicated that Northeast Asphalt, Inc. requested the renewal permit, if granted, be dated the May 30, 2017. This date would coincide with the Simon Quarry permit and renew simultaneously in the future.



PUBLIC COMMENTS  
AND TESTIMONY

No public comments or testimony.

BOARD DISCUSSION/  
ACTION

A motion was made, seconded, and passed to approve the permit on the following terms:

- A. The active quarry area shall be defined based on what the Reclamation Plan identifies as the permitted area and remove the Town of Taycheedah bonding requirements.
- B. The permit term will be 10 years beginning with May 30, 2017.

ADJOURNMENT

No other business coming before the Board, a motion was made and seconded with unanimous approval to adjourn.

Dated this 13<sup>th</sup> day of July, 2017.

TOWN OF TAYCHEEDAH

By:

  
Kris Marcoe, Clerk