

I am appealing the order of Dane County zoning administrator Roger Lane's December 19, 2016 invalidation of the Building Permit issued by his department for the construction of a facility which is adjacent to and in support of a vineyard to be owned and operated by me. It appears there are two reasons that Mr. Lane has invalidated the permit.

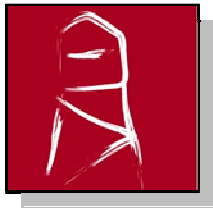
The first is that he believes the construction of the facility must be a slab-on-grade in that it was approved in the original plans. The necessity for slab-on grade construction is not in the building code. He says that the creation of the foundation walls to support the structure is inconsistent with the plans approved by his department. I respectfully disagree. The foundation walls were created because my consulting engineer (See attached letter) instructed us that a slab-on-grade foundation would absolutely not support the structure given the soils. There are countless AG accessory buildings in Dane County that have foundation walls on A1-ex zoned land. Building Code does not require slab-on-grade construction of AG accessory buildings. Mr. Lane told my lawyer, Bill White, on February 21, 2017 that the walls were for the creation of a basement. This is not correct and is not the intent. It is to ensure the structural integrity of the structure per the professional advice of the consulting engineer. Lastly, even with Rogers speculation of a basement being the intention of the foundation walls, there are many AG Accessory buildings that are bigger than what we are requesting on smaller parcels of land that have foundation walls and basements in Dane county. I fail to see where even if we had a basement (which is not the intent or plan), why that would not comply with building codes for an AG Accessory building for a farming operation Dettmann Vineyards size.

The second reason given by Mr. Lane in his December 19, 2016 letter (copy Attached) pulling the building permit i.e. that the ultimate use of the building would not comply with the zoning code for accessory uses for agricultural uses in the A-1 exclusive Ag zoning district. This iteration of our submission complies fully with existing zoning. To insinuate that the intended use is non-compliant and deny approval sets a dangerous precedent for future land use approvals. As long as our application meets all of the requirements, and we are *not in any* violation of the zoning code, a presumptive denial based on assumed future violation of a currently compliant applicant does not fairly apply the zoning code.

I have been made fully aware of the compliance requirements of the zoning ordinance and fully intend to abide by them. Mr. Lane has continues to refer to outdated materials. This has been rectified per his instructions and the intent remains to use the property as is allowable by zoning code. Again, I remain deeply concerned that pulling a permit due to anticipated potential violation creates a situation in which anybody could be denied a permit for legal uses due to insinuated future wrongdoing. I hope we reward good behavior, as well as apply appropriate sanctions for those who do willingly and flagrantly ignore the zoning code. Here, there is no evidence that I will not comply with the Zoning code in the application before you.

In summary, the soils dictate the creation of foundation walls and this application is in total compliance with the Zoning Code, therefore I respectfully request that you reverse the actions of Mr. Lane and allow me the same rights and privileges associated with my compliant accessory buildings for a valid agricultural use. Thank you in advance for your consideration.

Respectfully,  
Karl Dettmann



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20 December 2016

Andy Feber

Aldo Partners, LLC

PO BOX 45601

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Re: Dettmann barn foundation

Andy-

As mentioned earlier, excavating through the uncompacted / unsuitable fill that had been placed on the site is required for the footings on the Dettmann barn project. This means that you may need to over-excavate from the "fill" grade level down to native soil, in order to achieve or 1500psf minimum bearing requirement, and to ensure all footings are on the same stiffness of soil (to inhibit differential settlement). The building has not been designed for, nor should it be built partially on fill and partially on native/compacted soil.

Please don't hesitate to contact me if you've any further questions.

Sincerely,

Joe Miller, Ph.D., P.E., P.Eng.  
Fire Tower Engineered Timber, Inc.

