



Dane County

Minutes

Board of Adjustment

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Thursday, October 27, 2022

6:30 PM

Virtually on Zoom

A. Call To Order

Chair Long called the meeting to order at 6:32 pm, introduced the members of the Board and made a statement on the procedure of the meeting.

Also Present: Staff: Hans Hilbert, Assistant Zoning Administrator; David Gault, Corporation Counsel.

Present 5 - Chair AL LONG, Vice Chair TRAVIS LEESER, ARLAN KAY, Secretary SUE STUDZ, and GEORGE CORRIGAN

B. Public Comment for any Item not listed on the Agenda

No public comments were made.

C. Consideration of Minutes

1. Minutes of the September 22, 2022 Public Hearing

LEESER/KAY to approve the minutes. Motion carried.

Ayes: 5 - LONG, LEESER, KAY, STUDZ and CORRIGAN

D. Public Hearing for Appeals

1. Appeal 3721. Appeal by Henry Spelter appealing the decision of the Dane County Zoning and Land Regulation Committee regarding approval of conditional use permit 2563: Non-metallic mineral extraction operation 1,000 feet south of 439 center road, Section 28, Town of Rutland.

Lesser recused himself from the hearing and joined the attendees of the meeting.

Chair Long opened the public hearing for the appeal.

The Board concurred that the appeal presented was timely and the appellant was aggrieved.

After discussion, and conferring with Gault on procedures, the Board concurred that the written materials submitted by the appellant was satisfactory to base a decision on, and that additional testimony was not required. The Board agreed that they would discuss each of the appellant's arguments one at a time.

Chair Long closed the public hearing.

The Board discussed the argument of a complete application.

CORRIGAN/STUDZ motion that the conditional use permit application was complete at the time of the first public notice. Motion carried 4-0.

The Board discussed the argument of inconsistent legal descriptions.

CORRIGAN/KAY motion of finding that the written legal description of conditional use permit 2563 is inconsistent with condition #2 of the CUP. Motion carried 4-0.

Upon finding that the legal description was inconsistent the Board determined that discussion of the remaining arguments of the appellant was not needed.

Per the Rules and Procedures of the Board of Adjustment, a separate written decision including the findings of fact and conclusions of law will be prepared by staff for approval by the Board at a future meeting.

CORRIGAN/KAY motion to reverse the decision of the Zoning and Land Regulation Committee granting Conditional Use Permit 2563. Motion Carried.

Ayes: 4 - LONG, KAY, STUDZ and CORRIGAN

Recused: 1 - LEESER

E. Appeals from Previous Meetings

F. Reports to Committee

Leeser rejoined the meeting as a panelist.

Hilbert reported to the Board that a December public hearing would be required. The Board discussed and concurred to use a hybrid format for the meeting.

G. Other Business Authorized by Law

H. Adjournment

STUDZ/LEESER to adjourn. The Board adjourned by voice vote at 8:46 PM.