

August 10, 2022

Mr. Hans Hilbert
Assistant Zoning Administrator
hilbert.hans@countyofdane.com

Mr. Roger Lane
Zoning Administrator
lane.roger@countyofdane.com

Dane County Board of Adjustment
Dane County Planning & Adjustment
Zoning Division
210 Martin Luther King Jr. Blvd.
Room 116, City-County Bldg.
Madison WI 53703-3342

RE: Notice of appeal of July 12, 2022 approval of CUP 2563

Dear Messrs. Lane, Hilbert

This letter serves as notice of appeal of the July 12, 2022 approval of CUP 2563.

I am aggrieved by the Zoning and Land Regulation's procedure deviating from the requirement that the application be complete on the date of the first notice of the public hearing.

I understand this appeal to stay the granting of CUP 2563 freezes actions to mine, develop or otherwise disturb the site under review, as required by Wis. Stat. § 59.694(5) and such notice will be given to the operator.

I look forward to working with you in this appeal process.

Henry Spelter

RECEIVED

AUG 10 2022

DANE COUNTY PLANNING & DEVELOPMENT

Notice of Appeal

This is an appeal to the Board of Adjustments ("BOA") by Henry Spelter.

The appeal is of the decision by the Zoning and Land Regulation Committee ("ZLR"), made on July 12, 2022, that granted the Conditional Use Permit 2563 for a non-metallic mineral extraction operation in the Town of Rutland ("Center Road Quarry").

My grievance is based on the grounds that the Committee did not follow prescribed procedures in granting said permit, the requirement that the application be complete on the date of the first notice of the public hearing.

Additionally, I request that the Board of Adjustment recuse itself from this case because a member of the Board, Travis Leaser, wrote a letter of support for granting of the permit. That is part of the ZLR record and is therefore prejudicial to this appeal.

Presumably Mr. Leaser would recuse himself, but a required element of recusal is to refrain from participating in the proceedings. Since Mr. Leaser's comments are part of the record this key element can only be met by the Board recusing itself.

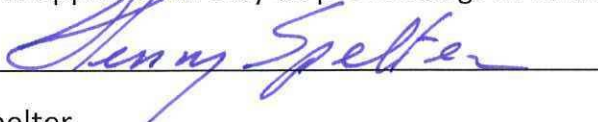
I request that the Board consider recusal prior to setting a deadline for parties to submit briefs. In the event that the Board agrees to recuse, this would avoid the unnecessary time and expense of preparing briefs.

Recusal by the Board would allow me to appeal to Circuit Court.

Separately, I request a stay of CUP 2563 pending the BOA's decision pursuant to Wis. Stat. § 59.694(5):

"An appeal shall stay all proceedings in furtherance of the action appealed from"

Signed



date

8-10-22

Henry Spelter

5204 Autumn Lane

McFarland, WI 53558

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608 579 8154



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Tuesday, July 12, 2022

6:30 PM

Hybrid Meeting: Attend in person at the City County
Building Room 354; OR
Attend virtually via Zoom.

See below for additional instructions on how to attend the meeting and provide public testimony.

A. Call to Order

Chair DOOLAN called the July 12, 2022 ZLR Work Meeting to order at 6:30 PM

Staff Present: Violante, Lane, Allan, Andros and Everson

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and KATE MCGINNITY

Excused 1 - MELISSA RATCLIFF

B. Public comment for any item not listed on the agenda

No comments made by the public.

2022 July 12, 2022 ZLR Registrants
RPT-187

Attachments: July 12, 2022 ZLR Registrants

C. Consideration of Minutes

A motion was made by MCGINNITY, seconded by KIEFER, that action on the June 28, 2022 minutes be postponed. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

D. Zoning Map Amendments and Conditional Use Permits from previous meetings

Attachments: [CUP 2563 Staff Report.pdf](#)
[CUP 2563 Town Action.pdf](#)
[CUP 2563 Map](#)
[CUP 2563 App](#)
[CUP 2563 Applicant Slides.pdf](#)
[CUP 2563 App Supplement.pdf](#)
[Report-by-Rutland-Residents response to Courter Resource Group plan.pdf](#)
[Rutland Town Officials Comments.pdf](#)
[Town Bruce Sime letter of support.pdf](#)
[Town combined written comments submitted to Town 5 2022.pdf](#)
[Town Dale Arndt letter of support.pdf](#)
[Town Nancy Nedveck letter of support.pdf](#)
[Town Travis Leeser letter of potential conditions and support.pdf](#)
[Sue Williams letter of opposition.pdf](#)
[Tom Umhoefer letter of opposition.pdf](#)
[Seffrood Letter of Opposition.pdf](#)
[Truie Brobston letter of support.pdf](#)
[Amanda Igl letter of opposition.pdf](#)
[Bill Boerigter letter of opposition.pdf](#)
[Buck Sweeny Letter re Responses to Concerns - 5.10.22.pdf](#)
[Eric Bachhuber Letter of opposition.pdf](#)
[Henry Spelter letter of opposition.pdf](#)
[Henry Spelter statement of objection.pdf](#)
[Jason and Lindsay Berning letter of opposition.pdf](#)
[Jayne Seibel letter of opposition.pdf](#)
[Jessica Gunby letter of support.pdf](#)
[Joanna Kessenich letter of opposition.pdf](#)
[Jodi Igl letter of opposition.pdf](#)
[Kent Knutson letter of opposition.pdf](#)
[Mary Celley letter of opposition.pdf](#)
[Mary Knutson letter of opposition.pdf](#)
[Maureen Rowe letter of opposition.pdf](#)
[Michelle Perz letter of support.pdf](#)
[Pam Marr-Laundrie letter of opposition.pdf](#)
[Public Interest Letter.pdf](#)

A motion was made by KIEFER, seconded by MCGINNITY, to admit additional correspondence received after the May 24, 2022 public hearing into the record. The motion carried by the following vote: 4-0.

Ayes: 4- BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1- RATCLIFF

A motion was made by KIEFER, seconded by BOLLIG, to allow new additional testimony from members of the public attending in person who didn't testify via ZOOM at the previous public hearing, with each speaker given five minutes to speak. The motion carried by the following vote: 4-0.

Ayes: 4- BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1- RATCLIFF