



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 14, 2021

6:30 PM

Virtual Zoom Meeting: See top of agenda for instructions on how to join the webinar or call in by phone.

A. Call To Order

Chair Long called the meeting to order at 6:44 pm, introduced the Board and made a statement regarding the rules and procedures of the Board.

Also Present: Staff: Assistant Zoning Administrators Dan Everson and Hans Hilbert.

Present 3 - Chair AL LONG, ARLAN KAY, and Secretary SUE STUDZ

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 30, 2021 special meeting

STUDZ/KAY to approve the minutes. Motion carried.

Ayes: 3 - LONG, KAY and STUDZ

D. Public Hearing for Appeals

1. Appeal 3708. Administrative appeal by Krueger Quarry LLC, Dale Kreuger, and R.G. Huston Company, Inc. (Michael Lawton, Boardman & Clark LLP, agent) appealing a decision of the Zoning Administrator related to a stop work order for a non-metallic mineral extraction operation (Kreuger Quarry) located east of 2298 Rinden Rd being a tract of land in the SW ¼ of the SE ¼ Section 3, Town of Pleasant Springs.

Chair Long opened the public hearing at 6:50. Assistant Zoning Administrator Hilbert provided meeting instructions and read the notice of appeal.

Michael Lawton, Boardman & Clark LLP, made an opening statement for the appellant.

Assistant Zoning Administrator Dan Everson made an opening statement for the Zoning Administrator.

No other opening statements were made.

Lawton presented the appellants case. Dwight Huston was sworn in after being called as a witness. Dale Krueger was sworn in after being called as a witness. Dennis Richardson was sworn in after being called as a witness. After the witnesses answered questions of Lawton, the Board accepted exhibits 17 and 18 into the record. The exhibits were provided electronically to the Board and Mr. Everson via e-mail. Attorney Lawton continued to present the arguments of his case. The Board asked questions of Lawton and the witnesses. Everson stated he had no cross-examination.

Dan Everson presented the case of the Zoning Administrator. The Board asked questions of Everson and he was then cross-examined by the appellant.

The Chair stated no other interested parties were presenting a case.

Lawton called on Dennis Richardson to answer questions during a rebuttal.

No testimony from neighbors or others present were made.

The appellant's closing statement was presented by Attorney Lawton.

The Zoning Administrator's closing statement was presented by Dan Everson.

Chair Long closed the public hearing at 9:48 pm and the Board deliberated.

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.

KAY/LONG to grant the appellant non-conforming status for an active non-metallic mineral extraction operation on the SE 1/4 of the SW 1/4 and the NE 1/4 of the SW 1/4, Section 3, Town of Pleasant Springs. Aye: Kay, Long. Nay: Studz. Motion carried.

Kay/Studz to uphold the determination of the Zoning Administrator regarding a stop work order placed east of the SE 1/4 of the SW 1/4, section 3, Town of Pleasant Springs. Aye: Kay, Long, Studz. Motion carried.

Ayes: 3 - LONG, KAY and STUDZ

E. Appeals from Previous Meetings

1. Written decision of appeal 3705
STUDZ/KAY to approve as amended. Motion carried.

Ayes: 3 - LONG, KAY and STUDZ

2. Written decision of appeal 3706
KAY/STUDZ to approve. Motion carried.

Ayes: 3 - LONG, KAY and STUDZ

3. Written decision of appeal 3713
STUDZ/KAY to approve. Motion carried.

Ayes: 3 - LONG, KAY and STUDZ

F. Reports to Committee

Hilbert updated the Board on potential for a future meeting.

G. Other Business Authorized by Law

H. Adjournment

STUDZ/KAY to adjourn. The Board adjourned at 10:45 pm.

Ayes: 3 - LONG, KAY and STUDZ