



Dane County

Minutes - Final-revised

Board of Adjustment

Thursday, February 26, 2015

6:30 PM Room 357, City-County Building, Madison, Wisconsin

Room 357, City-County Building, Madison, Wisconsin

A. Call To Order

Chair Schulz called the meeting to order at 6:30 p.m. in room 357 of the City-County Building and made an announcement regarding rules and procedures followed by the Board.

Also Present: Zoning Staff: Roger Lane, Zoning Administrator; Dan Everson, Assistant Zoning Administrator; Zoning Staff to the BOA: Hans Hilbert, Assistant Zoning Administrator.

Present 5 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, MARY HALEY, ROBERT PULVERMACHER, and AL LONG

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

Chair Schulz offered an opportunity for public comment on items not included on the current agenda. There were no registrants for public comment.

C. Consideration of Minutes

[2014](#) Minutes of the December 23, 2014 public hearing
[MIN-553](#)

Attachments: [12-18-2014 P.H. Minutes.pdf](#)

LONG/PULVERMACHER to approve the minutes. The motion carried.

Ayes: 4 - SCHULZ, HALEY, PULVERMACHER and LONG

Abstain: 1 - STUDZ

[2014](#) Minutes of the January 22, 2015 Public Hearing
[MIN-554](#)

Attachments: [01-22-2015 P.H. Minutes.pdf](#)

LONG/PULVERMACHER to approve the minutes. The motion carried.

Ayes: 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

D. Public Hearing for Appeals

[2015](#)
[BOA-012](#)

Appeal 3665. Administrative appeal by Yahara Materials, Inc., (Michael Lawton, Boardman & Clark LLP, Agent) appealing a stop work order by the Zoning Administrator related to an illegal land use (mineral extraction) occurring at Buckeye Quarry being a portion of land located in the NW ¼ and the SE ¼, Section 14, Town of Blooming Grove.

Attachments: [Appeal 3665 Application](#)
[Appeal 3665 Yahara Materials brief](#)
[Appeal 3665 Zoning Administrator brief](#)

6:35 pm Chair Schulz opened the public hearing.

Michael Lawton, attorney representing Yahara Materials, provided handouts of exhibits to the Board and made an opening statement. The handouts (including the PowerPoint presentation) were accepted into the official record.

David Gault, attorney representing the Zoning Administrator, Roger Lane, made an opening statement.

Lawton presented evidence and stated the appellant's case. Tim Geoghegan, Yahara Materials, was sworn in as the first witness. Geoghegan answered questions and was subject to cross examination.

Chad Sell was sworn in as the second witness for the appellant. Sell answered questions and was subject to cross examination.

Geoghegan, still under oath, returned to answer additional questions.

The appellant stated they had no further witnesses.

8:03 pm The Chair stated that the Board would recess for 10 minutes.

The Zoning Administrator, Roger Lane, presented evidence and stated his case to the Board. Assistant Zoning administrator Dan Everson was sworn in as a witness for the Zoning Administrator. Everson and Lane answered questions and were subject to cross examination.

The Zoning Administrator stated he had no further witnesses.

The Chair took statements from other parties not presenting evidence:

Bill White spoke in support of the appeal.

Matt Tucker, City of Madison Zoning, spoke in opposition of the appeal.

Dane County Board Supervisor Dave de Felice spoke in opposition of the appeal.

The following members of the public registered but did not wish to address the Board:

Larry Burcalow registered in support of the appeal.

Renee Burcalow registered in support of the appeal.

Paul Burcalow registered in support of the appeal.

Chris Kromm registered in support of the appeal.

Robin Loger registered in support of the appeal.

Michael Lawton made a closing statement on behalf of the appellant.

David Gault made a closing statement on behalf of the Zoning Administrator.

9:55 pm The Chair closed the public hearing and called for a 5 minute recess prior to the Board deliberated and taking action.

The official written decision of the Board of Adjustment in regards to administrative appeal 3665 will be prepared and confirmed at a future meeting of the BOA.

SCHULZ/HALEY that this Administrative Appeal be denied and the decision of the Zoning Administrator be affirmed. The motion carried.

Ayes: 3 - SCHULZ, HALEY and LONG

Noes: 2 - STUDZ and PULVERMACHER

H. Adjournment

The Board adjourned by voice vote at 10:23 PM.