



# 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?*

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Thursday, June 27, 2019

6:30 PM Room 357, City-County Building, 210 Martin Luther King, Jr. Blvd Madison, WI

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Room 357, City-County Building, 210 Martin Luther King, Jr. Blvd Madison, WI

#### A. Call To Order

*Chair Schulz called the meeting to order at 6:30 pm.*

*Also Present, Staff: Roger Lane, Zoning Administrator; Hans Hilbert, Assistant Zoning Administrator.*

**Present** 5 - Chair STEVEN SCHULZ, SUE STUDZ, Secretary ROBERT PULVERMACHER, Vice Chair AL LONG, and EDMOND MINIHAN

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

*No public comments were made.*

#### C. Consideration of Minutes

1. Minutes of the May 23, 2019 Public Hearing

**LONG/PULVERMACHER to approve the minutes. Motion carried.**

**Ayes:** 4 - SCHULZ, PULVERMACHER, LONG and MINIHAN

**Absent:** 1 - STUDZ

#### D. Public Hearing for Appeals

#### E. Appeals from Previous Meetings

1. Appeal 3699. Administrative appeal by Yahara Materials, Inc., Hoepker, LLC & Highway 51, LLC (Attorneys Eric McLeod & Samantha Schacht, agents) appealing a determination of the Zoning Administrator related to land use approvals for the Hoepker quarry at 4261 Hoepker Rd being lands in Section 17, Town of Burke.

*Chair Schulz reopened the hearing on appeal 3699.*

*The Board was provided with additional evidence from the Zoning Administrator containing e-mail correspondence from Patrick Miles and Brenda Ayers. This material was approved to be accepted into the record by the Chair per rule 4.e).*

*Eric McLeod, representing Yahara Materials, provided the Board a letter dated 6/27/2019 regarding concerns of ex parte communication between the Zoning Administrator and the former chair of the ZLR, Patrick Miles, as well as the Zoning Administrator and the Town of Burke Clerk, Brenda Ayers. The letter also contained a transcript of the audio recording of the 10/27/2009 ZLR public hearing regarding CUP 2120.*

*Board member Studz joined the meeting.*

*Chair Schulz requested that the audio recording of the 10/27/2009 ZLR public hearing regarding CUP 2120 to be played.*

*After the recording was played for the Board the appellant and Zoning Administrator were given time to comment.*

*The Board deliberated the case and asked questions of the appellant and Zoning Administrator.*

**SCHULZ/STUDZ motion to reverse the determination of the Zoning Administrator contained in a letter dated February 15, 2019 and instruct the Zoning Administrator to amend conditional use permit 2120 to include the uses of "ready mix concrete plants for highway and municipal projects" and, "asphalt batch plants for highway and municipal projects". A role call vote was requested. Ayes: Studz, Schulz, Pulvermacher. Noes: Long, Minihan. Motion carried.**

**Ayes:** 3 - SCHULZ, STUDZ and PULVERMACHER

**Noes:** 2 - LONG and MINIHAN

## F. Reports to Committee

*Hilbert provided a revised copy of the Code of Ordinances to Board members and gave an update on the status of the revised zoning ordinance.*

*Hilbert and board members extended their thanks to Robert Pulvermacher for his service to the Board of Adjustment as his term will expire at the end of the month.*

## G. Other Business Authorized by Law

## H. Adjournment

**STUDZ/MINIHAN to adjourn. The board adjourned by consensus at 8:10 pm.**