



Dane County

Minutes - Final Unless Amended by Committee

Board of Adjustment

Thursday, April 23, 2015

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

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

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 general items not included on the current agenda. There were no registrants for public comment.

C. Consideration of Minutes

[2015](#) Minutes of the March 26, 2015 Public Hearing

[MIN-030](#)

Attachments: [03-26-2015 P.H. Minutes.pdf](#)

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

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

D. Public Hearing for Appeals

[2015](#)
[BOA-001](#)

Appeal 3668. Administrative appeal by Jon Halverson & Oak Park Quarry, LLC (Mitchell Olson, Axley Brynelson, LLP, Agent) appealing the March 3, 2015 decision of the Zoning Administrator regarding “non-conforming status of a mineral extraction site” located in the East ½ of the SW ¼ and SW ¼ of the NE ¼ Section 29, Town of Deerfield.

Attachments: [Appeal 3668 application.pdf](#)
[Appeal 3668 application supplement.pdf](#)
[Appeal 3668 Brief of Appellant.pdf](#)
[Appeal 3668 Brief of Zoning Administrator.pdf](#)

6:32 pm Chair Schulz opened the public hearing for administrative appeal 3668.

Mitchell Olson and Charles Sweeney, Axley Brynelson, LLP, attorneys representing Jon Halverson and Oak Park Quarry, LLC made an opening statement.

Zoning Administrator, Roger Lane, was sworn in and proceeded to making an opening statement.

The appellant’s attorneys presented evidence and stated the appellant’s case. Jon Halverson was sworn in as the first witness. Halverson answered questions and was subject to cross examination by the Zoning Administrator. The exhibits, including the PowerPoint presentation were entered into the record of the case.

The Board asked questions of Mr. Halverson.

Bill White, Dane County Association of Aggregate Providers, was sworn in as the second witness. White gave a statement to the Board and was subject to cross examination.

At 8:35 pm Chair Schulz called for a brief recess. The Board reconvened at 8:45 pm.

John Prescott was sworn in as the appellant’s third witness. Prescott answered questions and was subject to cross examination.

Phyllis Syvrud was sworn in as the next witness. Syvrud answered questions and was subject to cross examination.

Jeff Kraemer was sworn in as a witness for the appellant. Kraemer answered questions and was subject to cross examination and was asked questions by the Board.

John Prescott was recalled to answer additional questions, still under oath.

Richard Erickson was called as the next witness. After being sworn in, Erickson answered questions and was subject to cross examination.

Attorney Olson made a rebuttal statement and requested that all exhibits used be entered into the record. Chair Shultz accepted the exhibits into the record. The appellant closed their case.

The Zoning Administrator opened his case and called Dennis Mandt as his first witness.

Mandt was sworn and answered questions. Mandt was subject to cross examination.

The Zoning Administrator called John Mandt as his second witness. John Mandt was sworn and answered questions of the Zoning Administrator and was subject to cross examination.

The Zoning Administrator, under oath, made a statement to the Board and was subject to cross examination. The Zoning administrator closed his case.

The Chair stated that no rebuttal was needed.

Assistant Zoning Administrator, Hans Hilbert, read into the record those registrants in favor of the administrative appeal, but not wishing to speak:

*Bailey Halverson 1400 Ramsey Rd Stoughton WI
Rachael Halverson 1400 Ramsey Rd Stoughton WI*

Chair Schulz called on those registrants wishing to speak in opposition to the appeal. The following registrants were given 3 minutes to address the board:

*Daniel Kelly 1186 Liberty Rd Deerfield WI
Ken Frjelijch 1285 Olstad Rd Deerfield WI
Roxann Engelstad 3045 Clear View Rd Cambridge WI
Brian Berninger 3680 Oak Park Rd Deerfield WI
Martha Berninger 3680 Oak Park Rd Deerfield WI*

Assistant Zoning Administrator, Hans Hilbert, read into the record those registrants in opposition of the appeal, but not wishing to speak:

*David Schreiner 1333 Prairie Village Rd Deerfield WI
Edward Armbricht 1292 Prairie Village Rd Deerfield WI
Mary Armbricht 1292 Prairie Village Rd Deerfield WI
Brenda Ingersoll PO Box 74 Deerfield WI
Lyndon Meyer 4484 Missouri Rd Marshall WI
Cheryl Lemke 6 N Western Ave Deerfield WI
Bill Roelofs 4374 Smith Dr Deerfield WI
Doreen Treuden 3405 Sunny Ln Deerfield WI
Mark Treuden 3405 Sunny Ln Deerfield WI
David Lemke 6 N Western Ave Deerfield WI
Jim Maple 1345 Prairie Village Rd Deerfield WI*

Attorney Olson made a closing statement for the appellant.

The Zoning Administrator made a closing statement.

At 11:29 pm Chair Schulz closed the public hearing portion of the meeting and called for a 10 minute recess.

The Board reconvened at 11:39 pm and began deliberations.

The official written decision of the Board of Adjustment, including the finding of facts and conclusions of law in regards to administrative appeal 3668 will be prepared and confirmed at a future meeting of the BOA.

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

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

G. Other Business Authorized by Law

H. Adjournment

The Board adjourned at 11:56 pm

Studz/Pulvermacher to adjourn. The motion carried.