



Dane County

Minutes - Final Unless Amended by Committee

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, September 9, 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 6:30 pm and made a statement regarding the rules and procedures of the board.

Also Present: Staff: Todd Violante, Planning and Development Director; Roger Lane, Zoning Administrator; Dan Everson, Assistant Zoning Administrator; Hans Hilbert, Assistant Zoning Administrator.

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. [2021 MIN-247](#) Minutes of the August 26, 2021 Public Hearing

Sponsors: Board of Adjustment

Attachments: [8-26-2021 PH Minutes](#)

STUDZ/KAY to approve the minutes. Motion carried.

Ayes: 3 - LONG, KAY and STUDZ

D. Public Hearing for Appeals

1. [2021 BOA-004](#) Appeal 3705. Administrative appeal by Yahara Materials Inc. (Samantha Schacht, Husch Blackwell, agent) appealing a decision of the Zoning Administrator related to the status of a non-metallic mineral extraction operation (Kreuger Site) located at 66 Quarry Rd being a tract of land in the SE ¼ of the SW ¼, and the SW ¼ of the SE ¼, Section 32, Town of Montrose.

Sponsors: Board of Adjustment

Attachments: [Appeal 3705 Notice of Appeal and Appeal of Decision of Dane Co. Assistant Zoning Administrator](#)
[Appeal 3705 Exhibits to Appeal of March 9 2020 Decision of Assistant Zoning Administrator](#)
[Appeal 3705 Appellant Brief Krueger Brief](#)
[Appeal 3705 ZA Brief-combined documents](#)

Chair Long opened the public hearing at 6:38 pm.

The appellant, represented by Attorney Eric McLeod (HuschBlackwell) made an opening statement and introduced the individuals with him as Kersten Atanasoff (HuschBlackwell) and Robin Loger and Renee Buraclow (Yahara Materials).

Assistant Zoning Administrator Dan Everson made an opening statement on behalf of the Zoning Administrator.

No other parties made opening statements.

Attorney McLeod presented the appellants case. Loger was called as a witness and sworn in. The Board asked questions of the appellant and witness. Everson stated he had no questions for the witness.

Everson presented the Zoning Administrators case. Roger Lane, Zoning Administrator, was called as a witness and sworn in. The Board asked questions of the witness. The appellant cross-examined the witness.

The appellant was allowed a rebuttal statement.

The chair asked for comments of neighbors, property owners, or officials from those in attendance. Assistant Zoning Administrator Hilbert read an e-mail sent from a recipient identifying to be the property owner of the related appeal.

McLeod made a closing statement for the appellant.

Everson made a closing statement for the Zoning Administrator.

The Chair closed the public hearing at 8:42 pm and the Board deliberated the matter.

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/STUDZ to grant the appeal in favor of the appellant and reverse the determination of the Zoning Administrator regarding the non-conforming status of

the 80 acres for mineral extraction purposes. Motion carried.

Ayes: 2 - KAY and STUDZ

Noes: 1 - LONG

2. [2021 BOA-005](#) Appeal 3706. Administrative appeal by Yahara Materials Inc. (Eric McLeod, Husch Blackwell, agent) appeal a decision of the Zoning Administrator related to the status of a non-metallic mineral extraction operation (Carlson Site) located at 7849 & 7830 State Highway 188 being a tract of land in the NE ¼ and SE ¼, Section 6, Town of Roxbury.

Sponsors: Board of Adjustment

Attachments: [Appeal 3706 Appeal to Board of Adjustment re Carlson Site Decision Final for Submission 4849-1548-2816 v.1](#)
[Appeal 3706 Appellant Brief 4810-6342-5015.1 Carlson Brief](#)
[Appeal 3706 4816-3697-2479.1 Exhibit A - Carlson Site Appeal](#)
[Appeal 3706 4817-0919-3407.1 Exhibit C - Carlson Site Appeal](#)
[Appeal 3706 4823-6232-5183.1 Exhibit B - Carlson Site Appeal](#)
[Appeal 3706 4847-9921-5807.1 Exhibit D - Carlson Site Appeal](#)
[Appeal 3706 ZA Brief-combined](#)

After a 5 minute recess, Chair Long opened the public hearing at 9:28 pm.

The appellant, represented by Attorney Eric McLeod (HuschBlackwell) made an opening statement, the same individuals remained present from the previous appeal. (Kersten Atanasoff (HuschBlackwell) and Robin Loger and Renee Buraclow (Yahara Materials)).

Assistant Zoning Administrator Dan Everson made an opening statement on behalf of the Zoning Administrator.

No other parties made opening statements.

Attorney McLeod presented the appellants case. Loger was called as a witness was reminded he was still under oath. The Board asked questions of the appellant and witness. Everson stated he had no questions for the witness.

Everson presented the Zoning Administrators case. Roger Lane, Zoning Administrator, was called as a witness and reminded he was still under oath. The Board asked questions of the witness. The appellant cross-examined the witness.

The appellant was allowed a rebuttal statement.

The chair asked for comments of neighbors, property owners, or officials from those in attendance, none were made.

McLeod made a closing statement for the appellant.

Everson made a closing statement for the Zoning Administrator.

The Chair closed the public hearing at 10:43 pm and the Board deliberated the matter.

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/STUDZ to deny the appeal and uphold the determination of the Zoning Administrator. Motion carried.

Ayes: 3 - LONG, KAY and STUDZ

E. Appeals from Previous Meetings

F. Reports to Committee

G. Other Business Authorized by Law

H. Adjournment

STUDZ/KAY to adjourn at 11:00 pm. Motion Carried.