

BOARD OF ADJUSTMENT
September 23rd, 2015 1:30 PM
COUNTY BOARD ROOM
SONSALLA, SLABY

With the consensus of the Board, Board member Jim Schwartz acted as Chair. He called the meeting to order at 1:30 PM.

Mark Carlson verified that the Open Meeting Law requirements had been complied with through notifications and posting.

Members present: Nancy Horton, Terrance Koxlien, James Schwartz and alternate members Randy Severson and Charlotte Everson. James Andre and Gerald Hawkenson were absent.

Staff members present: Mark Carlson and Carla Doelle.

Others present: Brandon Sonsalla, Kenneth Sonsalla, Mary Slaby

Approval of Agenda - Koxlien made a motion to approve the agenda, Horton seconded, motion carried unopposed.

No meeting minutes were approved at the meeting.

Public Hearing – Brandon Sonsalla, Petitioner/Landowner, Arcadia, WI- Variance -Town Road Setback - Town of Arcadia. Acting Chair Schwartz called the public hearing to order. Horton read the public hearing notice aloud. Schwartz asked Sonsalla to explain what he wanted to do and why he needed the variance. Ken Sonsalla referred the Board to the overhead aerial photo. K. Sonsalla stated the map doesn't show exactly the lay of the land. Carlson explained that on the one side of the road there is flood plain and wet land and then the road itself so Sonsalla is limited as to where he can put the building. Carlson displayed those areas on the overhead aerial photo. Carlson displayed an elevation map showing the area behind the building and that the land goes up drastically in elevation. Carlson displayed an area where there is a 10 foot elevation change. Carlson said there was a building located there for a number of years that was recently torn down and they would basically replace the building. K. Sonsalla explained he built the original building in 1962 and it was a hen house for hatching eggs for the Arcadia broiler industry. It was used in that way for many years. Sonsalla moved to another farm and they went out of business with that industry. Cattle had been put in the building. They have been maintaining the building but the building just keeps getting older and older. According to K. Sonsalla it is almost impossible to operate in it anymore so that is why they are proposing the new building. K. Sonsalla added that where the rest of the buildings are is like living in a horseshoe as there is one opening and three sides go up with sand rock hills, so there is really nowhere else to go. Sonsalla pointed out that to the right of the one building, above on the hill there is a berm that takes any runoff water to the right behind the other buildings and down into a manhole and then the water comes out on the other side. Sonsalla noted there is an approved barnyard there so there won't be any substantial runoff of any kind where the building is going to be because that all goes around the backside and underneath the road in a different spot, so that would not be an issue. Sonsalla added that they have already dug into the hill about 12 feet, which is solid rock, to get themselves enough of a spot for a new building, at a quite a bit of cost. According to Sonsalla, anything done further would have to be dynamited as there is no other way to go any further plus it keeps getting higher as one goes into the hill. Sonsalla concluded by saying if there were any other questions, they will try and answer them. Koxlien

stated he was at the site and looked at it and they are basically replacing the building that was there. It isn't a different site. Sonsalla agreed and added that they are going to try to use the concrete floor so they don't have to replace the whole floor. It would be a savings for the Sonsalla's if they could use that same concrete. They will have to add onto the concrete a little bit on one side but that isn't a big issue. Koxlien asked the dimensions of the building. B. Sonsalla answered 36 x 156 feet is the building that is there now and they want to put up a 40 X 156 foot building (four additional feet towards the rock). Koxlien noted that he saw the water draining out. K. Sonsalla said they have the water under control and there is no problem with that. K. Sonsalla commented that when he built the original building, excavation equipment wasn't quite as good as it is now, but they dynamited that rock to build the original building and most of the concrete there is standing on rock. It is hard and it doesn't go anywhere so K. Sonsalla didn't think the building is going to slide. Upon Horton inquiring what the building is going to be used for, B. Sonsalla responded it will be used for cattle/feeder steers – animals 400-600 pounds. Everson clarified that this property was on Soppa Road just off of State Highway 95. Everson asked why the town roadside setback rule is 63 feet. Carlson answered that 33 feet from the center of the road is usually the road right-of-way and then there is a 30 foot setback from the road right-of-way and that is where the 63 feet comes from. Everson questioned if that was for safety? Carlson responded safety is probably the number reason. They don't want a vehicle to hit something that is perhaps too close to the highway. Carlson explained that the town road setback is 63 feet from the town road centerline or 30 feet from the road right-of-way but there is no right-of-way marking on here. Everson asked if there has ever been any accidents. K. Sonsalla explained that the building is actually above the road by quite a few feet. If one measures from the center of the road over and then up and then to the building that is when one comes up with the 44 feet. Carlson reiterated that the setback is pretty much for safety. Koxlien asked how Sonsalla's were going to handle the manure coming out of the building. K. Sonsalla replied that will be all done with a skid steer. B. Sonsalla stated there will be a four foot concrete wall around the road side of it so that nothing can go out to the road. K. Sonsalla said the building will face toward the rock so the area between the road and the building will remain in sod. There won't be any traffic on that at all. They will feed from the upper side and remove manure from the end so that there will be nothing stored there or anything like that. Koxlien commented that if there would be any runoff it would run to the driveway. K. Sonsalla agreed but added nothing else comes down as there is a berm above there which directs the water away. Schwartz asked if this represents an expansion of their farming operation. K. Sonsalla replied, "Not by much, it's just that the old building isn't serviceable any more". Schwartz clarified that Sonsalla's had cattle in that building previously. K. Sonsalla said yes they did. B. Sonsalla commented up until about a month ago. K. Sonsalla added that they were doing the same thing in there that they are going to do here, it just that the building was just so outmoded already that it was impossible to continue. Schwartz questioned that since there is already a building there wouldn't it be "grandfathered" in. Carlson answered that once the building is removed then it no longer is grandfathered in. He could have added onto the building and not had to meet the setbacks as long as he didn't get any closer to the road, but once a building is removed, one has to start all over and it is considered nonconforming. Koxlien asked if DNR had any issues. Carlson responded they don't have an issue because it's a small operation, but if he gets too big he will get kicked into some of the requirements we go through with the feedlot operations. This hearing is only for the building itself. If for some reason there were a manure spill, etc. it would be addressed under something other than what we are talking about here. Carlson informed the Board that all the adjoining neighbors were notified. Carlson reported that he did get one call and that person said he had no issues with it. Carlson was unable to locate the letter from the Town of Arcadia, he would have to check with Virg Gamroth in the office. Carlson was pretty sure the Town approved it too. K. Sonsalla stated the Town of Arcadia Chairman signed off on it.

Testimony in Favor – Schwartz called three times for any testimony in favor. No one was forthcoming.

Testimony in Opposition – Schwartz called three times for any testimony in opposition. No one was forthcoming.

Schwartz announced that the Board would do the three part test now. Schwartz asked if there was an undue hardship that would be imposed if this variance were not granted. Horton stated she felt it would be because if he doesn't put the building there, Horton wasn't sure where he would put it. Horton visited the site and she stated there is no room. Carlson added that the site limits it. Schwartz asked about unique property limitations and if there were any that would suggest that a variance is required and should be granted. Schwartz thought it was obvious. Koxlien stated there are wetlands on the other side of the road and the big hill behind the shed which is kind of a unique property limitation in that situation. Finally, Schwartz addressed if the variance were to be granted, is the public interest protected. Koxlien said as much as it was before. Everson stated one is slowing down anyway coming off of a road. Koxlien inquired about the snow off the roof. Carlson stated the building will still be 44 feet away from the road. K. Sonsalla said it never comes close. Carlson added if it ends of being an issue they would have to coordinate something with the Town of Arcadia to plow it off but that is still a considerable distance away. Horton added that if there is the four foot wall on the building, it would fall on the back side of that wall. Everson questioned if the roof line was changing or if the roof line will just be extended out. After being told it was extending out, Everson stated one is actually dealing with just half of the building that will change. B. Sonsalla stated it is a three-quarter and then a quarter on the other side. Everson acknowledged that it is really a quarter difference from what it has been in the past. Schwartz announced that the Board has completed the three part test and asked for action by the Board.

Action Taken – Koxlien made a motion to approve the variance request, Severson seconded the motion. Horton took a roll call vote: Severson – yes, Everson – yes, Schwartz – yes, Koxlien – yes, Horton – yes. Schwartz announced the motion carried on a 5-0 vote and the variance is granted.

Public Hearing – Patrick and Mary Slaby, Petitioner/Landowner, Arcadia, WI - Variance - Property Line Setback for Livestock Facility – Town of Arcadia

Acting Chairman Schwartz called the public hearing to order. Horton read the public hearing notice aloud. Mary Slaby was present for the meeting. Slaby explained that they are required by Gold N' Plump to build a compost shed to dispose of their dead birds. Gold N' Plump had told Slaby's that they need to keep the compost shed by the poultry barn/coop for re-sale and they are going to tell a person when they (Slaby's) can sell it and who they can sell it to. Slaby stated they looked at different sites and they cannot put it on the opposite side of County Road J, going up towards their house, because there is a well there. Slaby stated the best place for the compost shed is along the poultry barn/coop there, or on the end of the poultry barn/coop. Slaby's had talked about putting it up by their other farm outbuildings but Gold N' Plump said no, that Slaby's couldn't have it there in the event that Slaby's would want to sell off the coop obviously that would probably sell before the rest of the farm, therefore that is not an option. Slaby added they are limited to places where they can put the shed. Schwartz, referring to the property line that we are talking about, asked if that was road right-of-way. Carlson and Doelle confirmed that is road right-of-way. Carlson explained that when they redid the highway they substantially increased that setback that we were talking about earlier. Because this is on here we would have to measure 50 feet from a County road but that would be from the known right-of-way and that all came into play when they redid County Road J. Everyone agreed the poultry barn/coop was there prior to that. Slaby stated the road used to run on the opposite side of the barn as you come down the hill. Slaby explained how the road used to be. Doelle stated the three sites that the Slaby's gave her to

look at for siting their compost facility could not meet all the required setbacks so no matter where they chose it was still going to be an issue so it makes the most sense to put it on the parcel with the barn. It is handy because they can come out of the barn and have everything right there without having the traffic either through their yard or across the road and up on another spot. Doelle added that they did do a soils investigation also to ensure that the proper separation distances are being met from bedrock and groundwater and everything was good there. Koxlien commented it looks like the water runs toward and then back around where they would like to put this compost shed but Koxlien hasn't seen any measurements on that building. Slaby mentioned that there were stakes out there. Upon Koxlien commenting that the building was small, Doelle stated the size of the building is 16'X 16' so they are just beyond the criteria of what is required for a building permit. 10'X15' is what is required for a permit and they are just over that. Koxlien questioned how the composting worked. Slaby responded that they are new to this as they are just building it but she believed one has to leave the birds in there so that they compost. Koxlien questioned if it was just birds and not manure. Slaby added one will put enough manure in there to compost the dead birds. Doelle added there will be some manure but not alot and there is a process of turning it, etc. Carlson commented they just put enough manure in the facility to utilize it for compost. Slaby showed the Board the plan of how the composting facility works. More discussion followed on the composting. Carlson read a letter from the Town of Arcadia Board of Supervisors which stated they have been informed that Slaby's are applying to the County for a variance for a compost shed. The Town passed a motion at their August 10th, 2015 board meeting stating they approve of Slaby's compost shed building project. Carlson stated he has received no correspondence from the public regarding this matter.

Testimony in Favor - Schwartz called three times for any testimony in favor. No one was forthcoming.

Testimony in Opposition – Schwartz called three times for any testimony in opposition. No one was forthcoming.

At this time the Board addressed the three part test. Schwartz announced the Board would address if a denial would constitute undue hardship. Schwartz stated he thought it would because the poultry barn is already there. Schwartz questioned Slaby as to if the Board didn't approve it, would they be able to use that building. Slaby responded they would be able to use the building but they would need to go to a different source of composting which would be burning. According to Slaby that method is expensive. Slaby said this is what Gold N' Plump suggested that Slaby's do but should Slaby's ever sell the barn there would be an issue selling it if they didn't have the compost facility. The Board addressed the point of unique contour of the property. Horton stated it is all steep. Carlson added that there are flood plain issues on the other side of the road. Carlson did some measuring of the right-of-way etc. on the overhead aerial map for the Board. Carlson voiced that to locate it somewhere else they would still need a variance. Koxlien agreed that they really had no option with the way the water runs and the big high hill behind there. Severson commented that County J adds all those setbacks. Schwartz had the Board address whether approving the variance would be detrimental to public interest. Everson stated that with County Road J being moved it probably improved the entire area as far as safety goes. One doesn't have to go between the building and a farmhouse and it certainly would not limit any site lines from the road as the large building is already there, so it would just be in comparison with that. Everson added that by improving the road, that improved public safety. It probably increased the speed as well but that small building certainly wouldn't affect safety. Koxlien agreed and stated as far as road right-of-way on County Highway J it is probably the farthest away from either end of the building there. Koxlien didn't see any safety issues there at all. Schwartz stated that it seems like we all agree that the three part test has been met. There being no further questions, Schwartz asked for action from the Board. Severson made a motion to approve the variance as requested, Koxlien seconded. Horton took a roll call vote:

Severson – yes, Everson – yes, Schwartz – yes, Koxlien – yes, Horton – yes. Schwartz announced the motion carried on a 5-0 vote and the variance is granted.

Koxlien made a motion to adjourn the meeting, Severson seconded, motion carried unopposed.