

## Buffalo County Minutes

**Committee/Board:** Board of Adjustment

**Date of Meeting:** May 1, 2018

**Electronic and Hardcopy Filing Date:** May 4, 2018

The meeting was called to order at 10:00 a.m. by Chairman, Dale Klopp. Barry Drazkowski, Ronald Kazmierczak, Dale Klopp were all present.

Others present for all or part of the public meeting include Mike Owecke; Zoning Administrator, Julie Lindstrom; Administrative Assistant in the Zoning Department. Dan Weisenbeck, Jane Weisenbeck, Brent Stewart. Others may have been present that did not sign in.

The “Notice of Public Hearing” was read aloud.

Agenda was reviewed by Mr. Klopp.

Minutes are summarized as follows:

Application presentation and testimony. Daniel Weisenbeck: It was our intention this spring to build a home on our farm. We started to do some dirt work last fall for construction, thinking we would have winter for it to settle; go through a freeze and thaw and start construction this spring. In February, we started submitting permit applications to the Zoning Department. Mr. Owecke called me at that time and informed me that we were out of compliance because we were supposed to have a permit before we moved any dirt, which I absolutely did not know. This is the first time I built a house or built anything that needed a permit. Being out of compliance I asked what my options were. Mr. Owecke explained that I would need to hire an engineering firm to design an erosion control plan and because we had disturbed more than an acre of ground, we would also need a storm water management plan. I contacted, right away, Williams Engineering of Augusta, talked with Ronnie Williams and worked with Cody from Williams Engineering to write the Erosion Control Plan. During the first couple of weeks, in the design process, working with Cody, he suggested a couple things that should be done to help maintain the site better, while waiting for approval of the conditional use permit as follows: installation of silt fence, two sediment ponds, tracking pad at the end of the driveway and installation of a new culvert that dumps into one of the sediment ponds and hydro-seed the steep slope in the back. Mr. Weisenbeck continued by saying that it was his intention all along to hydro-seed, but had not contacted anyone yet; Kulig Contracting, from Whitehall completed the hydro-seeding (as mixture of soil, fertilizer, seed and mulch); they blow that on the soil to get a faster rate to start the seeding process. Mr. Weisenbeck had a photo of the completed hydro-seeding on the slope that was already to grade, and a second photo showing silt fence, sediment pond, culvert and tracking pad; from there Cody (from Williams Engineering) submitted the plans and the stormwater permit was approved by Jason Gazdeck, with the DNR. Mr. Gazdeck also provided instructions on what they needed to do; one small change on one slope was to put in a half dozen bales of straw to divert the water towards the path around the site. One additional task required was a weekly site evaluation; two evaluations have been completed so far. On April 17<sup>th</sup>, we presented our conditional use permit application and it was approved by the Maxville Town Board. That will bring us up until today.

Public Comments: Brent Stewart expressed concern with setbacks to his property line so he can continue to farm his fields to his fence lines.

Mr. Klopp questioned Mr. Owecke regarding proper setbacks.

- Mr. Owecke – From looking at the site plan, there is no issue with setback as far as their development. From the beginning, the Weisenbeck’s have been most responsive to this situation. I do not think they could have done better in immediately going and having a plan done to stabilize the site. I would be surprised, with what has been done there, if there is any run-off from that site unless we get an eight inch rainfall.
- Mr. Klopp – Mr. Stewart is your property to the south of the Weisenbeck property.
- Mr. Stewart – No. Mine would be to the west. I am on the other side of County Road V. I do have some land that is right up next to the construction site.
- Mr. Drazkowski – With the weather this spring, you hydro-seeded, that is pretty heavy coverage, how is that holding up with the snow and everything that we had?
- Mr. Weisenbeck – The hydro-seeding was completed after the snow. The slope is SW facing, so it will dry out as fast as anything. Kendall Kulig from Kulig Contracting was concerned that it was not going to be dry enough before they did the hydro-seeding, so that it would be a success and it was really dry. It is all intact and obviously we have not had a rain since then, but Mr. Kulig was very pleased with how dry the soil was when they applied the mulch.
- Mr. Drazkowski – Do you have; I know Mr. Owecke suggested retaining walls. Do you have in your current plan, a location or are you planning any way to put in a retaining wall.
- Mr. Weisenbeck – We do have plans for a retaining wall. I talked with Cody, the engineer about a retaining wall and he said it is kind of difficult right now to locate a retaining wall because we don’t have final grade on everything to know exactly where it should be located. I have lived on this farm my whole life. I am 62 years old, farmed the land and the last thing I want to do is have an eye sorer when building a house. We have contours that we maintain with our conservation plan. Like I mentioned before, from the onset, before Cody was ever brought in, we planned to hydro-seed, we know that is the best way; we don’t want any erosion. If we are building a home, obviously we want it to look nice when we are finished. So we planned on taking measures of retaining walls and hydro-seeding; want to make sure the site is stabilized.
- Mr. Drazkowski – Has the engineer looked at the stability of those soils to prevent sluffing during large rainfall saturation? Will this be a risk (addressing this question to Mr. Owecke)?
- Mr. Owecke – Certainly, it always is. Will see how it goes and hopefully it is the best you can do.
- Mr. Weisenbeck – One thing that is playing in our favor a little bit, with the slopes, there is not any slope above it that rains onto it. The only thing that is going to come off that slope is what hits that slope. The engineer also said, that is in our favor.
- Ms. Weisenbeck – Kendall Kulig also said in his report that he would do some patchwork if needed.
- Mr. Drazkowski – That will be part of your periodic inspection.
- Ms. Weisenbeck – yes.
- Mr. Drazkowski – I would think that if you are going to have your house there, the last thing you want is a bunch of sediment coming off the slope.
- Mr. Kazmierczak – I have an unusual question that I need to ask. Why this site? I am sure you have some level property; some place you could have built on.
- Mr. Weisenbeck – We do have some level property. One of our concerns; I didn’t want to interfere with agricultural land. It is not fun to go around things in a field. Another consideration was the driveway off County Road V. It is an existing field road driveway. Rather than making another approach onto County Road V; I think that can sometimes be difficult because of site and other factors. That also played a role in why we thought it was a good site because we didn’t have to start another new driveway. Those were the two primary reasons we selected the site.
- Mr. Kazmierczak – I am just, and obviously it had to be a lot of work and expense to try to stabilize the slope. In the back of my mind, I wanted to ask that question.

- Mr. Kazmierczak – Is there adequate room on this site for a septic system.
- Mr. Owecke – Yes.
- Mr. Kazmierczak – Driveway access where they are talking, it is hard to tell from the maps, is that right on the curve of the road. Is that a problem.
- Mr. Owecke – It is right on the curve, but it is not a problem and the Driveway Permit Application was reviewed and approved by the Buffalo County Highway Commissioner.
- Mr. Kazmierczak – Mr. Stewart, for you and for my education, I am not sure, you said you are west of their property, so are you on the other side of County Road V?
- Mr. Stewart – I do have some land that is right next to their house above the site.
- Mr. Kazmierczak – It looks like all of their septic is going to be to the south, so that should not be a concern of yours.
- Mr. Stewart – Correct.
- Mr. Klopp – When did you start the project?
- Mr. Weisenbeck – It was late, we a wet fall. We started after the wet fall when it got nice, end of October or first part of November.
- Mr. Klopp – Who did your work for you.
- Mr. Weisenbeck – Carothers Excavating.
- Mr. Owecke – Where are the contractor out of?
- Mr. Weisenbeck – Durand. It is two brothers that each have full-time jobs and they have this business as well.
- Mr. Klopp – As far as the diversion of water, looking at our map, it looks like where the proposed shed and house, that is NE, that shouldn't interfere with any of your buildings or construction. It should not be any problem with water flow lines.
- Mr. Owecke – If you go to the map attached to my staff report, you will see right at the base of that steep cut, the area that was hydro-seeded, there is a waterway along the base of that will take water away from the building site. There is also a waterway in the up hill side of the entire length of the driveway, two sediment traps, culvert with the driveway construction. I do have plenty of photo slides of the site, if you are interested.
- Mr. Klopp – It said the existing site was previously disturbed before. Did you take shale out over the years.
- Mr. Weisenbeck – Occasionally, we would take a load.

Mr. Klopp questioned and Mr. Owecke stated the after-the-fact fee is five times the fee of the zoning permit application; three times if you pay that within thirty days; and that is within thirty days of today's date.

- Mr. Klopp – The application fee is \$450.
- Mr. Owecke – Right now we only access that on the zoning permit application, not the conditional use permit.

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Mr. Owecke showed slides of the site. Slides were explained and reviewed

Mr. Klopp – Is that the flat area where you plan on building.

Mr. Weisenbeck explained where the waterway would be.

Mr. Stewart stated that when they rebuilt County Road V, he was told that all of the county road is now on his property including the right-of-way on the opposite side of the county road. Mr. Weisenbeck stated that when the survey was completed and he did not have a copy of the survey with him today, it showed his property line to the center of County Road V, which is what is typical.

- Mr. Klopp – What percentage of the disturbed area do you think is shale.
- Mr. Weisenbeck – It is high.
- Mr. Klopp – Do you plan to have a lawn.
- Mr. Weisenbeck – We will have to haul in top soil for lawn construction.

There were no correspondence.  
There was no site visit.

Motion by Mr. Kazmierczak, seconded by Mr. Klopp to approve the Conditional Use Permit #2018-1, with the conditions listed in the staff report as well as submitting to the Zoning Department, prior to issuing a Zoning Permit, that both Mr. Stewart and Mr. & Mrs. Weisenbeck are in agreement with the driveway access the way it is. This is to be sure there is no problem, should the Weisenbeck's actually not have any right-of-way on their side of County Road V, following the rebuild of County Road V. All in favor. Carried.

Motion by Mr. Kazmierczak, seconded by Mr. Klopp to approve the minutes from the January 16, 2018, Board of Adjustment, public meeting as presented. All in favor. Carried.

Motion by Mr. Klopp, seconded by Mr. Kazmierczak to adjourn. The public hearing was adjourned at 10:55.

Respectfully Submitted,

Julie Lindstrom, Zoning Administrative Assistant