

November 15, 2012

DECISION
SAUK COUNTY BOARD OF ADJUSTMENT
Appeal Application No. SP-29-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Barbara Wheeler
2 Shearwater Ct.
Hawthorn Woods, IL. 60047

Dear Ms. Wheeler:

On November 15, 2012, the Sauk County Board of Adjustment considered your request for a change of administrative decision, pursuant to Sauk Co. Code § 25.13(4)(d). Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

FINDINGS OF FACT

Ms. Barbara Wheeler, hereinafter referred to as "Applicant", applied for a change of administrative decision pursuant to Sauk Co. Code § 25.13(4)(d), to deny the replacement of a failing septic system with a holding tank. The property is located in section 8 in the Town of Merrimac and subject to Chapter 25, of the Sauk County Private Sewage System Ordinance.

Sauk Co. Code § 25.13(4)(d) provides that in all cases where the use of a holding tank is proposed or allowed, prior to any sanitary permit application, a suitable and approved Soil and Site Evaluation Report must be on file with the Agency that illustrates that no other system would be possible on the parcel, excluding pre-treatment.

CONCLUSIONS OF LAW

The Sauk County Board of Adjustment may hear an appeal of the Zoning Administrator's decision under Sauk Co. Code §7.17(3) and (4). The Zoning Administrator determined that the soil test submitted did not show evidence that no other private onsite wastewater treatment system would be possible to service this residence.

Upon reviewing the evidence and testimony the Board determined that the decision to deny a permit for a holding tank as a replacement septic system was consistent with Chapter 25 of the Sauk County Private Sewage System Ordinance.

DECISION

Based upon the evidence, testimony, exhibits and legal authority, the Sauk County Board of Adjustment, by a vote of four to one, upholds the decision of the Zoning Director under section 25.13(4)(d).

APPEAL RIGHTS

A complete record of the hearing and the decision of the Board is available for inspection at the Sauk County West Square Building. Please note that advance arrangements may be necessary to inspect such records. This decision will become final unless a written appeal is filed with the Sauk County Circuit Court within 30 days of the decision being filed in the Sauk County Planning and Zoning Office. Copies of the record may be secured upon written request and upon payment of the transcription fees.

Very truly yours,

SAUK COUNTY BOARD OF ADJUSTMENT

Linda White, Chair

Henry Netzinger, Secretary

Filed on this date: _____

COPY TO:

Ms. Linda White, S3175 White Road, Reedsburg, WI. 53959
Mr. Daniel Kettner, E4717 Rolling Ridge Road, Spring Green, WI. 53588
Mr. Henry Netzinger, E11085 Sauk Prairie Road, Prairie Du Sac, WI. 53578
Mr. David Allen, S3951 Grote Hill Road, Reedsburg, WI. 53959
Mr. Nicholas Ladas, S500 Warbler Court, La Valle, WI. 53941
Mr. Ron Lestikow, S6463 Devils Delight Road, Merrimac, WI. 53561
Mr. David Wernecke E13119 State Road 33, Baraboo, WI. 53913
Sauk County Planning and Zoning Office
Town Clerk
District Supervisor

