SAUK COUNTY BOARD OF ADJUSTMENT

SAUK COUNTY WEST SQUARE BUILDING
505 BROADWAY
BARABOO, WI 53913
Telephone: (608) 355-3285

January 30, 2014

DECISION
SAUK COUNTY BOARD OF ADJUSTMENT
Appeal Application No. SP-03-14

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy & Donald Harms
S4681 County Road S
Reedsburg, WI. 53959

Dear Mr. & Mrs. Harms:

On January 30, 2014, the Sauk County Board of Adjustment considered your application for a special exception permit, pursuant to Sauk Co. Code § 7.05(2)(a) and 7.03(2)(n)1. Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

FINDINGS OF FACT

Dorothy Harms, hereinafter referred to as "Applicant", applied for a special exception permit pursuant to Sauk Co. Code § 7.05(2)(a) and 7.03(2)(n)1 to authorize the location and operation of a bed and breakfast establishment. The property is located in section 36 of the Town of Ironton and subject to Chapter 7 of the Sauk County Ordinance.

Section 7.03(2)(n)1 provides that a special exception permit is required for lodging houses and bed and breakfast establishments.

CONCLUSIONS OF LAW

The Sauk County Board of Adjustment may not grant a special exception permit for a bed and breakfast establishment unless all of the conditions listed in Sauk Co. Code § 7.05(2)(l) are met. As part of its review, the Board must determine whether the location of the bed and breakfast will significantly injure the public health, safety or welfare. The applicant has the burden of showing that the permit meets the standards designated in Sauk Co. Code § 7.05(2)(l). Edward Kraemer & Sons, Inc. v. Sauk County Board of Adjustment, 183 Wis. 2d 1, 515 N.W.2d 256, 262 (1994).

Upon reviewing the evidence and testimony, the Board determined the proposed bed and breakfast is consistent with the purpose and intent of the Ordinance. The Board made this decision based on testimony and information provided at the hearing, and the following:

The Sauk County Board of Adjustment determined that the proposed bed and breakfast, should not create problems for neighboring properties, had the approval of the Town of Ironton and had presented a very complete and well organized appeal.

DECISION

Based upon the evidence, testimony, exhibits and legal authority, the Sauk County Board of Adjustment, by a vote of five to none, approves your request, subject to conditions, for a special exception permit to operate a bed and breakfast establishment.

In issuing the special exception permit, the Board set forth the following conditions the Applicant shall comply with:

A. All work on and use of the premises shall proceed with the plans and supplemental evidence presented at the hearing. It is the responsibility of the applicant to secure all required Town, State, Federal and County permits.

B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.

C. The site shall operate under the terms and during the hours as presented by the applicant.

D. A septic verification shall be submitted to Sauk County Conservation Planning & Zoning.

E. The property shall meet all applicable State of Wisconsin regulations and all applicable licenses shall be issued to said property prior to rental.

F. The permit shall be issued to the owner and shall be nontransferable.

G. An annual inspection fee shall be paid to Sauk county by June 1st of each year.

H. Off street parking shall be provided at a rate of one space per bedroom and shall meet all applicable township and County standards.

I. This permit shall be valid for a period of five years and may be renewed by the Board of Adjustment at that time.

J. Sauk County Conservation, Planning and Zoning shall be granted permission to view the site to ensure compliance with these conditions and other relevant provisions of Sauk

County Ordinances. The power to ensure compliance with these conditions is given to Sauk County Conservation, Planning and Zoning. If the department finds that any of these conditions have been violated, they are hereby authorized to take corrective action, either through suspension of the permit, citations or by any means of enforcement that is within their power.

K. Failure by the Applicant to follow all of the conditions set forth by the Sauk County Board of Adjustment is grounds for suspension or revocation of the special exception permit and possible enforcement action. In order to have the special exception permit reinstated after suspension, the applicant must comply with all conditions established by the Board of Adjustment, as determined by the Sauk County Conservation, Planning & Zoning Director, or appear in front of the Board of Adjustment. In order to have the special exception permit reinstated after revocation the applicant must appear in front of the Board of Adjustment for a new hearing and comply with all requirements as outlined in this letter.

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

Linda White, Chair

Henry Netzinger

Henry Netzinger, Secretary

Filed on this date: 2-5-14

COPY TO:

Ms. Linda White, S3175 White Road, Reedsburg, WI. 53959
Mr. Henry Netzinger E11085 Sauk Prairie Road, Prairie du Sac, WI. 53578
Mr. David Allen, S3951 Grote Hill Road, Reedsburg, WI. 53959
Mr. Daniel Kettner, E4717 Rolling Ridge Road, Spring Green, WI. 53588
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