

SAUK COUNTY BOARD OF ADJUSTMENT

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

October 4, 2011

DECISION
SAUK COUNTY BOARD OF ADJUSTMENT
Appeal Application No. SP-22-11

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James & Nancy Hinz
S4647A Raven Acres Dr.
Baraboo, WI. 53913

Dear Mr. & Ms. Hinz:

On September 29, 2011, the Sauk County Board of Adjustment considered your application for a special exception permit, pursuant to Sauk Co. Code § 7.03(2)(g). Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

FINDINGS OF FACT

James & Nancy Hinz, hereinafter referred to as "Applicant", applied for special exception permits pursuant to Sauk Co. Code § 7.03(2)(g), to authorize the location of a single wide mobile home in a residential subdivision. The property is located in section 32 of the Town of Baraboo and subject to Chapter 7, the Sauk County Zoning Ordinance.

Section 7.03(2)(g) of the Sauk County Zoning Ordinance provides that a special exception permit is required for single mobile homes and mobile home subdivisions when the location of each shall have been approved in writing by the Sauk County Board of Adjustment after a public hearing.

This applicant is requesting a special exception permit to replace an existing mobile home with a newer model in the same location.

CONCLUSIONS OF LAW

The Sauk County Board of Adjustment may not grant a special exception permit unless all of the conditions listed in Sauk Co. Code § 7.03(2)(n) are met. As part of its review, the Board must determine whether the location of the structure 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 § 7.03(2)(n). 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 location of the mobile home 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 this proposal was to replace a mobile home that was in this location since 1980 and since the Town and a majority of the neighbors were in favor of this project that the Board would grant this 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 for a single mobile home.

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 prior to commencing any building or change of use.

The replacement mobile home will require a land use permit and be connected to a new septic system prior to taking occupancy.

B. 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.

C. 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.

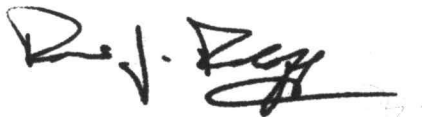
APPEAL RIGHTS

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, Chair



Robert Roloff, Secretary

Filed on this date: 10-5-11

COPY TO:

Ms. Linda White, S3175 White Road, Reedsburg, WI. 53959
Mr. Robert Roloff S1661 Fox Court, La Valle, WI. 53941
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. 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