

SAUK COUNTY BOARD OF ADJUSTMENT

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

May 27, 2010

DECISION

SAUK COUNTY BOARD OF ADJUSTMENT

Appeal Application No. SP-12-10

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Heath Fear
1700 Stewart Ave.
Park Ridge, IL. 60068

Dear Mr. Fear:

On May 27, 2010, the Sauk County Board of Adjustment considered your application for a special exception permit, pursuant to Sauk Co. Code § 8.08(3)(a). Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

FINDINGS OF FACT

Heath Fear, The Bruce Company (agent), hereinafter referred to as "Applicant", applied for a special exception permit pursuant to Sauk Co. Code § 8.08(3)(a)1, authorize filling and grading on slopes in excess of twenty percent. The property is located in Section 10 of the Town of Merrimac and subject to Chapter 8, the Sauk County Zoning Ordinance.

The Applicant is applying for a special exception permit to authorize filling and grading to replace a stairway and landscape the area between the house and the lake. The parcel included is 026-1057-00000.

The surrounding area is a residential subdivision.

CONCLUSIONS OF LAW

The Sauk County Board of Adjustment may not grant a special exception permit for filling and grading unless all of the conditions listed in Sauk Co. Code §8.08(3), 8.14(3)(b) and 8.14(3)(c), are met. As part of its review, the Board must determine whether the proposed project is consistent with the intent of the ordinance and whether the work 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 § 8.08(3). 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 project is consistent with the purpose and intent of the Shoreland Protection Ordinance. The board made this decision based on the following testimony and information provided:

The Board felt that the plans presented were professionally prepared and demonstrated a high degree of detail. They also felt that the applicant was in compliance with the intent of the ordinance by trying to maintain the natural appearance of the property.

DECISION

Based upon the evidence, testimony, exhibits and legal authority, the Sauk County Board of Adjustment, by a vote of three to none, approves your request, subject to conditions, for a special exception permit to authorize the filling and grading as proposed.

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 within one year of the hearing date. County permits required for this approval include land use permits.

B. Erosion control shall be installed and maintained until the site is stabilized/revegetated per the plans submitted at the time of application.

C. Sauk County 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 Planning and Zoning. If the department finds that any of these condition has 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.

APPEAL RIGHTS

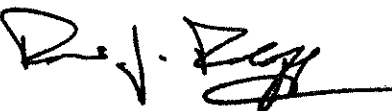
A complete record of the hearing and the decision of the Board is available for inspection at the Sauk County West Square Building. Please note that advance arrangements may be necessary to inspect such records. This decision will become final unless a written appeal is filed with the Sauk County Circuit 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, Vice Chair



Robert Roloff, Secretary

Filed on this date: 6/4/10

COPY TO:

Mr. Richard Vogt, S10284 Dead End Road, Plain, WI. 53577
Ms. Linda White, S3175 White Road, Reedsburg, WI. 53959
Mr. Robert Roloff S1661 Fox Court, La Valle, WI. 53941
Mr. Henry Netzing, E11085 Sauk Prairie Road, Prairie Du Sac, WI. 53578
Mr. David Allen, S3951 Grote Hill Road, Reedsburg, WI. 53959
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