

# ***SAUK COUNTY BOARD OF ADJUSTMENT***

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

July 22, 2010

DECISION  
SAUK COUNTY BOARD OF ADJUSTMENT  
Appeal Application No. SP-16-10

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ken & Robin Meier  
E11097 Kings Corner Rd.  
North Freedom, WI. 53951

Dear Mr. & Ms. Meier:

On July 22, 2010, the Sauk County Board of Adjustment considered your application for a special exception permit, pursuant to Sauk Co. Code § 7.05B(2)(b)8. Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

## **FINDINGS OF FACT**

Ken & Robin Meier, hereinafter referred to as "Applicant", applied for a special exception permit pursuant to Sauk Co. Code § 7.05B(2)(b)8, authorize the location and operation of a cottage industry. The property is located at E11097 Kings Corner Rd., lot 2 C.S.M. 1580, section 3 of the Town of Sumpter and subject to Chapter 7, the Sauk County Zoning Ordinance.

The Applicant is applying for a special exception permit to authorize the location and operation of a cottage industry, a dog grooming service. The parcel number is 034-0017-10000.

The surrounding area is primarily agricultural with limited commercial zoning to the north and few residential properties to the west..

## **CONCLUSIONS OF LAW**

The Sauk County Board of Adjustment may not grant a special exception permit for a cottage industry unless all of the conditions listed in Sauk Co. Code § 7.05B(4), 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 proposed cottage industry met the standards required for the granting of a special exception permit in the Exclusive Agricultural zoning district. The board made this decision based on the following testimony and information provided:

The applicant had met with the Town Board of Sumpter prior to the hearing and the Town recommended that the Board grant the special exception permit. A resident of the Town of Merrimac appeared in favor of the service that was being provided.

## DECISION

Based upon the evidence, testimony, exhibits and legal authority, the Sauk County Board of Adjustment, by a unanimous vote, approves your request, subject to conditions, for a special exception permit to authorize the cottage industry.

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 for a cottage industry and any signage.
- B. The special exception permit is issued for the grooming service only and shall not permit a kennel, boarding or other business.
- C. The permit shall be valid for a period of five years and shall be nontransferable.
- D. 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 Codes.
- E. The power to ensure compliance with these conditions is given to the Sauk County Planning and Zoning Department. If that department finds that any of these condition have been violated, it is hereby authorized to take corrective action, either through suspension of the permit, citations or by any means of enforcement that is within its authority.


## 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

  
Richard Vogt, Chair

  
Robert Roloff, Secretary

Filed on this date: 7-27-10

### 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