

# ***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-15-10

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Peter Schau  
FMHC Corp.  
8A W. Davenport St. Suite 201  
Rhineland, WI. 54510

Dear Mr. Schau:

On July 22, 2010, the Sauk County Board of Adjustment considered your application for a special exception permit, pursuant to Sauk Co. Code § 23.07(1)(b)2. Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

## **FINDINGS OF FACT**

The Verizon Wireless, hereinafter referred to as "Applicant", applied for a special exception permit pursuant to Sauk Co. Code § 23.07(1)(b)2, to authorize the location and operation of a new telecommunication tower. The property is located in Section 21 of the Town of Sumpter and subject to Chapter 23, the Sauk County Zoning Ordinance.

Sauk Co. Code § 23.07(1)(b)2, provides that a special exception permit is required for any new tower greater than 150 feet in height, to a maximum of 300 feet. .

The surrounding area contains agricultural, forested and few residential properties.

## **CONCLUSIONS OF LAW**

The Sauk County Board of Adjustment may not grant a special exception permit for the location of a new tower site unless all of the conditions listed in Sauk Co. Code § 23.09(2) are met. As part of its review, the Board must determine whether the location of the tower 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 § 23.09(2). 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 new telecommunication tower is consistent with the purpose and intent of the Ordinance. The board made this decision based on the following testimony and information provided.

The Sauk County and the Town of Sumpter's Comprehensive Plan recognize the need for reliable communication during emergency situations. This tower is also proposed to be located more than 1200 feet from the nearest neighboring residence. There were no locations available for collocation on an existing tower in the area

## 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 for a new 180 foot telecommunication tower.

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

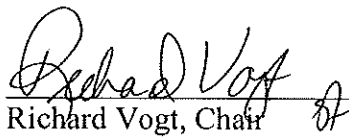
- A. All work on and use of the premises shall proceed with the plans and supplemental evidence presented at the hearing. It is the responsibility of the applicant to secure all required Town, State, Federal and County permits within one year of the hearing date. County permits required for this approval include land use permits.
- B. Erosion control shall be installed as needed and maintained until the site is stabilized
- C. Construction equipment shall be cleaned prior coming to the site to prevent the transfer of invasive species.
- D. The tower shall be equipped with white, long flash signal lights provided that meets FAA standards.
- E. 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.
- F. The authority 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, 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 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