

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

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

**FILE COPY**

July 1, 2010

DECISION  
SAUK COUNTY BOARD OF ADJUSTMENT  
Appeal Application No. SP-13-10

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

D. L. Gasser Construction  
P.O. Box 441  
Baraboo, WI. 53913

Dear Sirs:

On June 24, 2010, the Sauk County Board of Adjustment considered your application for a special exception permit, pursuant to Sauk Co. Code § 7.05(2)(l)19. Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

## **FINDINGS OF FACT**

D. L. Gasser Construction, hereinafter referred to as "Applicant", applied for a special exception permit pursuant to Sauk Co. Code § 7.05(2)(l)19, to authorize the location and operation of a hot mix asphalt plant. The properties are located in section 17 in the Town of Woodland and subject to Chapter 7, the Sauk County Zoning Ordinance.

Sauk Co. Code § 7.05(2)(l)19, provides that a special exception permit is required for mineral extraction activities in the Agricultural district.

The surrounding area contains agricultural properties. The plant will be in operation from July through September 2010.

## **CONCLUSIONS OF LAW**

The Sauk County Board of Adjustment may not grant a special exception permit for mineral activities unless all of the conditions listed in Sauk Co. Code §7.05(2)(l)19, are met. As part of its review, the Board must determine whether the location of the site is consistent with the intent of the ordinance and whether the site 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)10. 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 mineral extraction site is consistent with the purpose and intent of the Agricultural District. The board made this decision based on the following testimony and information provided.

The Board was appreciative of the fact that this was to be a limited term public service project and the County and Town have had a good working relationship with the owners of the site. The Town Board had submitted a list of conditions that the applicant had agreed to adhere to.

## 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 operate mineral extraction activities.

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. The permit shall remain in effect until October 31, 2010 and may be renewed by the Board at that time.
- C. Permit shall not be transferable.
- D. The hours of operation shall be consistent with the approved special exception permit for the quarry.
- E. The Sauk County Planning and Zoning Office shall be granted permission to view the site to ensure compliance with these conditions and other relevant provisions of the Sauk County Codes.
- F. The authority to ensure compliance with these conditions is given to Sauk County Planning and Zoning Department. If that department finds that any of these conditions have been violated, it is hereby authorized to take corrective action, either through suspension of the permits, citations or by any means of enforcement that is within its authority.

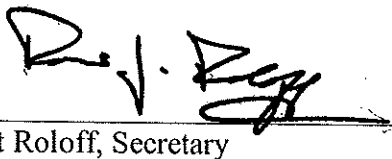
## APPEAL RIGHTS

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: July 1, 2010

### 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