

August 25, 2011

DECISION  
SAUK COUNTY BOARD OF ADJUSTMENT  
Appeal Application No. SP-20-11

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

James L. Jensen  
E4377 Dawn Rd.  
Plain, WI. 53577

Dear Mr. Jensen:

On August 25, 2011, the Sauk County Board of Adjustment considered your application for a special exception permit, pursuant to Sauk Co. Code § 7.05B(2)(b)1. Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

#### FINDINGS OF FACT

James L. Jensen, hereinafter referred to as "Applicant", applied for special exception permits pursuant to Sauk Co. Code § 7.05B(2)(b)1, to authorize a proposed boarding stable. The property is located in section 19 of the Town of Franklin and subject to Chapter 7, the Sauk County Zoning Ordinance.

Section 7.05B(2)(b)1 of the Sauk County Zoning Ordinance provides that a special exception permit is required for stables, paddocks and equestrian trails which are commercial in nature.

This applicant is requesting a special exception permit for a proposed horse boarding facility.

#### CONCLUSIONS OF LAW

The Sauk County Board of Adjustment may not grant a special exception permit for a motel unless all of the conditions listed in Sauk Co. Code § 7.05B(2)(b) are met. As part of its review, the Board must determine whether the location of the boarding stable 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 § 7.05B(2)(b). 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 storage shed 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 location would be suitable for the proposed use as a horse boarding stable.

## 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 horse boarding stable.

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 operation or any construction. County permits required for this approval include a land use permit for filling and grading and new construction.

B. No work shall be commenced prior to receiving the Board of Adjustment decision letter.

C. No filling shall be permitted in any wetland area.

D. The applicant shall provide documentation that any construction shall not be located within the Floodway District. Any filling or construction in the floodplain shall meet all of the standards for development in Chapter 9 of the Sauk County Floodplain Zoning Ordinance.

E. The permit shall be nontransferable.

F. 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.

G. 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

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Linda White, Chair

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Robert Roloff, Secretary

Filed on this date: \_\_\_\_\_

## 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