

August 25, 2011

DECISION
SAUK COUNTY BOARD OF ADJUSTMENT
Appeal Application No. SP-21-11

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dannie U. Gingerich
S3860 Barreau Rd.
La Valle, WI. 53941

Dear Mr. Gingerich:

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)5. Based upon the applicable records, evidence and testimony presented at the hearing, the Board of Adjustment makes the following:

FINDINGS OF FACT

Dannie U. Gingerich, hereinafter referred to as "Applicant", applied for special exception permits pursuant to Sauk Co. Code § 7.05B(2)(b)5, to authorize an agricultural related business. The property is located in section 20 of the Town of Ironton and subject to Chapter 7, the Sauk County Zoning Ordinance.

Section 7.05B(2)(b)5 of the Sauk County Zoning Ordinance provides that a special exception permit is required for agricultural related businesses.

This applicant is requesting a special exception permit for a proposed auction site.

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 that as the applicant will be putting no parking signs along the road and notifying the Sheriff's Department of auction events should there in fact be vehicles parked on the road it shall not be cause to revoke or suspend the permit. 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 the auctions were a benefit to the Town and County and that the Town has approved the applicants request and has reduced the number of auctions to a maximum of two per year.

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, to reinstate the special exception permit to hold auctions.

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 for the duration of Special Exception Permit SP-20-08, which expires on October 3, 2013.
- C. The permit shall be nontransferable.
- D. The applicant shall provide notice to Sauk County Planning and Zoning 10 days prior to the date of a pending auction.
- E. The permit shall be subject to the conditions recommended by the Town of Ironton at the Town Board meeting of July 11, 2011.
- 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 condition has been violated, they are hereby authorized to take corrective action, including the shutting down of an auction with the assistance of the Sauk County Sheriff's Department, as well as 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.

H. The applicant shall notify the Sauk County Sheriff's Department of the dates for the auctions.

Date

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, Chair

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 Netzing 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