



# Dane County Board of Adjustment

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## Decision of the Dane County Board of Adjustment

**Administrative Appeal:** 3699

### FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

**Filing Date:** March 15, 2019.

**Meeting notice published:** May 9 and 16, 2019, Wisconsin State Journal.  
Affidavit of publication/posting is on file.

**Hearing Date:** May 23, 2019 and June 27, 2019

**Appellant:** Yahara Materials, Inc., Hoepker, LLC & Highway 51, LLC (Attorneys Eric McLeod & Samantha Schacht, agents)

1. Conditional use permit 2120 was approved by the Zoning and Land Regulation Committee on October 27, 2009.
2. The Zoning Administrator provided Yahara Materials a letter dated December 21, 2009 stating that asphalt plants and concrete batch plants were included as uses under conditional use permit 2120.
3. The Zoning Administrator provided Yahara Materials a letter dated February 15, 2019 with clarification that CUP 2120 did not permit concrete batch plants or asphalt plants and that previous conditional use permits for the Hoepker Quarry property that did permit such uses have expired.
4. Mr. Geoghegan, Yahara Materials, stated "We're asking for an operation for mineral extraction and the siting of concrete batch plants and asphalt plants, kind of the jobs specific for government projects, the airport, the county, Wisconsin DOT" during the public hearing before the ZLR on October 27, 2009.

### **CONCLUSIONS OF LAW**

Based on the above findings of fact the Board concludes that:

1. Conditional use permit 2120 permitted non-metallic mineral extraction, concrete batch plants for highway and municipal projects, and asphalt batch plants for highway and municipal projects.

On the basis of the above findings of fact, conclusions of law and the record in this matter the Board **reverses** the Zoning Administrator's determination.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

I certify that this is the decision of the Dane County Board of Adjustment:

Steven Schulz, Chairman      Sign: \_\_\_\_\_      Date: \_\_\_\_\_

Filed with the Dane County Planning and Development Department, Zoning Division:

Todd Violante, Director      Sign: \_\_\_\_\_      Date: \_\_\_\_\_