



Dane County Board of Adjustment

Decision of the Dane County Board of Adjustment

Administrative Appeal: 3697-A

FINDINGS OF FACT

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

Filing Date: December 13, 2018.

Meeting notice published: April 3rd and 10th, 2019, Wisconsin State Journal.
Affidavit of publication/posting is on file.

Hearing Date: April 17, 2019.

Appellant: Andrew Grimer, Marc Brody, Ross Reinhold, Josh Kramer represented by Attorney Matthew Fleming, Murphy Desmond S.C.

1. The conditional use permit application for CUP #1632 lists parcel numbers associated with the conditional use permit. The parcel numbers identify all properties owned by Tyrol Basin. The application identifies that the CUP is for 121.5 acres of land. The conditional use permit application also identifies the intent of the CUP is for , "...all contiguous RE-1 Zoned Tyrol Basin Corp. property subject to uniform Town and County conditional use limitations...."
2. The letter of intent dated March 7, 2000 from Attorney Jesse Ishikawa regarding proposed CUP #6132 identifies the that the request is for exterior lighting for all of Tyrol Basin's RE-1property.
3. The Dane County Staff Composite Report for CUP #1632 identifies that the CUP will "Bring all RE-1 zoned property owned by Tyrol Basin Corp. under the following uniform Town and County conditional use limitations for outdoor lighting".
4. The Dane County Zoning and Natural Resources Committee minutes for the approval of CUP #1632 does not reference any changes for the boundary description of CUP #1632.
5. Conditional Use Permit #1632 was issued by Dane County Zoning and Natural Resources Committee to the property located at 3478 Bohn Road in the Town of Vermont on December 12, 2000.

6. The document for Conditional Use Permit #1632 lists a boundary for only a portion of the Tyrol Basin property.
7. The document for Conditional Use Permit #1632 lists the same boundaries as approval 7263/1505.

CONCLUSIONS OF LAW

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

1. The document for CUP #1632 lists the incorrect boundary description for the conditional use permit. It appears that the legal description for approval 7263/1505 might have been used instead of a description for the entire property.
2. Conditional Use Permit #1632 covers the entire 125.3 acres of land owned by Tyrol Basin as described under Register of Deeds document #3252304.
3. The Zoning Administrator shall be instructed to change the boundary description found on Conditional Use Permit #1632 to identify the entire 125.3 acres owned by Tyrol Basin.
4. Conditional Use Permit #1632 applies to the entire property and remains in effect.

On the basis of the above findings of fact, conclusions of law and the record in this matter the Board **affirms** the Zoning Administrator’s decision.

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: _____