

**BEFORE THE DANE COUNTY BOARD OF ADJUSTMENT**

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In the Matter of the Appeal of:

YAHARA MATERIALS, INC.  
6117 County Highway K  
P.O. Box 277  
Waunakee, WI 53597

Appellant.

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**NOTICE OF APPEAL AND APPEAL OF DECISION OF  
THE DANE COUNTY ASSISTANT ZONING ADMINISTRATOR**

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**TO:** Daniel Everson, Assistant Zoning  
Administrator  
Dane County Zoning Department  
210 Martin Luther King Jr. Blvd.  
Room 116  
Madison, WI 53703

Steven Schulz, Chair  
Dane County Board of Adjustment  
210 Martin Luther King Jr. Blvd.  
Room 116  
Madison, WI 53703

Pursuant to Section 10.101(9) of the Dane County Ordinances, Appellant Yahara Materials, Inc. (“Yahara”), by its attorneys Husch Blackwell LLP, hereby gives notice of appeal and appeals a decision of Daniel Everson, Dane County Assistant Zoning Administrator (“**Assistant Zoning Administrator**”), which was dated March 9, 2020 (the “**Decision**”). In the Decision, a copy of which is attached hereto as **Exhibit A**, the Assistant Zoning Administrator erroneously determined that Tax Parcels 0508-324-9000-5 and 0508-323-9500-1 (collectively, the “**Krueger Site**”) are not considered legally nonconforming for non-metallic mineral extraction. The property owner of the Krueger Site, the John L and Josephine A Krueger Trust (the “**Trust**”), leases the Krueger Site to Yahara for use in its non-metallic mineral extraction operations. Yahara makes this appeal as an authorized agent for the Trust.

For the reasons set forth in the attached letter to Dane County Zoning Administrator Roger Lane on April 2, 2020 (**Exhibit B**), and based on the evidence to be submitted at a hearing in this matter, the Dane County Board of Adjustment should find that the Assistant Zoning Administrator's Decision is in error and, pursuant to its authority contained in Dane Co. Ordinance § 10.101(9)(e), reverse that Decision and determine that the Krueger Site is, in its entirety, nonconforming for mineral extraction. Appellant and the Trust are aggrieved by the Decision, because it deprives them of their use of the Krueger Site and impairs their ability to generate income therefrom.

Dated April 8, 2020.

HUSCH BLACKWELL LLP  
Attorneys for Appellant

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