

**BOARD OF ADJUSTMENT STAFF REPORT
SP-23-11**

Robert Anderson

Public Hearing Scheduled for: 09/29/11

1. Request

A request for a special exception permit to authorize the renewal of a permit to operate a lodging house.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Single Family Residential zoning district, on real estate described as: E11611 Park Ln., lot 1 of CSM 4953, part of the SE ¼, NE ¼, section 14, T11N, R6E, Town of Baraboo.	<u>Permits:</u> This property has a land use permit issued to construct the home in 2004	An appeal was approved for this purpose in March of 2007	None found

3. Finding of Fact:

When reviewing a special exception proposal the Board of Adjustment reviews the proposed site to show that the approval shall be consistent with the general purpose and intent of the ordinance and to show the desirability of the proposed location for the specific proposed use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases or odors, noise, vibration, operation of heavy machinery, heavy vehicular traffic and increased traffic on public streets.

Section 7.03(2)(n)1 provides that a special exception is required for the operation of lodging houses and bed and breakfast establishments.

This home was built in 2004 and a special exception permit granted for the operation of a lodging house in 2007.

Surrounding Properties		Floodplain/Wetland	Other:
North	Residential and commercial properties.	Floodplain map, panel 5511C0411 E, effective date 12-15-09. The location of the residence is not located within the floodplain.	
South	An old residential subdivision.		
East	Residential properties.	There are no mapped wetlands indicated in this location.	
West	Residential and agricultural properties.		

4. Plan Commission/Town Recommendation

The Town of Town of Baraboo is aware that the applicant has made an appeal to the Board of Adjustment..

5. Planning and Zoning Recommendation

Planning and zoning recommends that the following conditions be considered by the Board should the Board grant the special exception permit.

- 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. County permits required for this approval include a land use permit for a lodging house.
- B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.
- C. The operation of the lodging house shall be subject to the conditions of section 7.03(2)(n)1 a. through g. of the Sauk County Zoning Ordinance.
- D. Sauk County 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 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.

E. 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 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.

Report submitted by David D. Lorenz