

BOARD OF ADJUSTMENT STAFF REPORT
SP-10-11
Orrin Carr

Public Hearing Scheduled for: 06/23/11

1. Request

A request for a variance to authorize the construction of a detached garage on a substandard sized lot.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Shoreland Protection District, on real estate described as: lot 2 CSM 4280, part of the SW ¼, SE ¼, section 3, T10N, R7E, Town of Merrimac.	<u>Permits:</u> None found	A variance was requested in June of 2006 by this applicant for the construction of a new garage. That appeal was denied by the Board.	None found

3. Finding of Fact:

When reviewing a variance appeal, the Board of Adjustment looks at several criteria, including unique property limitations, the protection of public interest and proof of an unnecessary hardship.

Section 8.05(3)(c) of the Sauk County Shoreland Protection Ordinance provides that a land use permit for the improvement of a lot having dimensions less than 10,000 square feet and 65 feet in width at the building setback line shall be issued only after the granting of a variance by the Sauk County Board of Adjustment.

This site is located in a very old subdivision that is not up to the standards that were put in place when the Shoreland Protection District was adopted.

Surrounding Properties		Floodplain/Wetland	Other:
North	An old residential subdivision and agricultural properties.	Floodplain map, panel 5511C0557 E, effective date 12-15-09. This site is not located within the floodplain. There are no mapped wetlands indicated in this area.	
South	An old residential subdivision and Lake Wisconsin.		
East	The old residential subdivision and the Village of Merrimac.		
West	The existing residential subdivision.		

4. Plan Commission/Town Recommendation

The Town of Merrimac is aware that this appeal has been requested from 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 any building or change of use.

B. 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.

C. 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 variance and possible enforcement action. In order to have the variance 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 variance 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