

BOARD OF ADJUSTMENT STAFF REPORT
SP-09-11

Amber Giddings

Public Hearing Scheduled for: 05/26/11

1. Request

A request for special exception permits to authorize the sale of alcoholic beverages and night lighting at bring an existing restaurant into compliance with the zoning ordinance.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property was recently rezoned to the Recreational-Commercial District, on real estate described as: S5566 State Road 123, lot 1 CSM 1979, part of the NE ¼, SE ¼, section 11, T11N, R6E, Town of Baraboo.	<u>Permits:</u> A land use permit was issued in 2009 for a deck addition to the south side of the restaurant.	None found.	A citation was dismissed when the permit for the deck was applied for.

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 7.08(2)(b)1 of the Sauk County Zoning Ordinance provides that a special exception permit is required for eating establishments in which liquor and/or malt beverages are served or sold. Section 7.08(2)(b)13 provides the a special exception permit is required for tennis courts, playfields and sportsfields with night lighting.

This site had been used as a restaurant since the 1950's the applicant purchased the property on November of 2006 and reopened the restaurant in February of 2007. The zoning was brought into compliance in December of 2010.

Surrounding Properties		Floodplain/Wetland	Other:
North	Vacant site of a previous motel, since removed.	Floodplain map, panel 5511C0403 E, effective date 12-15-09. This site is not located within the floodplain. There are no mapped wetlands indicated in this area.	
South	Agricultural and forested properties.		
East	Agricultural, forested and few residential properties.		
West	Agricultural and forested properties.		

4. Plan Commission/Town Recommendation

The Town of Baraboo has approved the rezoning of this property in order to bring it into compliance.

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. The permit shall be in effect for a period of five years and may be renewed by the Board of Adjustment at the end of that period.

C. 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.

D. 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