

BOARD OF ADJUSTMENT STAFF REPORT
SP-21-11

Dannie Gingerich

Public Hearing Scheduled for: 08/25/11

1. Request

A request for a special exception permit to reinstate a special exception permit granted in 2008 for an agricultural related business.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Exclusive Agricultural zoning district, on real estate described as: part of the SW ¼, NW ¼, section 20, T12N, R3E, Town of Ironton.	<u>Land Use/Septic Permits:</u> A permit was issued in 2001 for an addition to the house, an at-grade septic system and a privy.	SP-20-08 for an agricultural related business, harness shop and auction barn. An appeal denied in 2010 (SP-07-10) to modify the conditions.	None found

3. Finding of Fact:

When reviewing a special exception proposal and change in land use, the Board of Adjustment looks at several criteria, including promoting public health, safety and general welfare, whether there are constraints to development and impacts to surrounding properties and if the proposed use is consistent with local and county development plans and codes.

Section 7.05B(2)(b)5 of the Sauk County Zoning Ordinance provides that a special exception permit is required for agricultural related businesses.

The special exception permit to hold auctions at this site was suspended in April of 2011 for failing to adhere to the conditions imposed the Board of Adjustment regarding parking on the town roads during an auction held on March 30, 2011.

Surrounding Properties		Floodplain/Wetland	Other:
North	Agricultural fields and forest lands.	<p>There is no floodplain indicated on this parcel. Floodplain map, panel 5511C0168 E, effective date 12-15-09.</p> <p>There are no mapped wetlands indicated in this area.</p>	<p>This property is located in the Shoreland Protection District and shall comply with Chapter 8 of the Sauk County Ordinances.</p>
South	Two residences. One residence belongs to the applicant.		
East	Carr Valley Cheese Factory and forest lands		
West	Smelcer Road and one residence approximately less than ¼ mile from the site, as well as agricultural lands.		

4. Explain the pictures and view the video

5. Plan Commission/Town Recommendation

The Town of Ironton has voted to approve this appeal with conditions.

6. Planning and Zoning Recommendation

Planning and Zoning recommends that the following conditions be considered by the Board should the Board choose to grant the request for changes to 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 within one year of the hearing date. County permits required for this approval include land use permits.

B. The permit shall remain in effect for the duration of Special Exception Permit SP-20-08, which expires on October 3, 2013.

C. The permit shall be nontransferable.

D. The applicant shall provide notice to Sauk County Planning and Zoning 10 days prior to the date of a pending auction.

E. The permit shall be subject to the conditions recommended by the Town of Ironton at the Town Board meeting of July 11, 2011.

F. Sauk County Conservation, 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 Conservation, Planning and Zoning. If the department finds that any of these condition has been violated, they are hereby authorized to take corrective action, including the shutting down of an auction with the assistance of the Sauk County Sheriff's Department, as well as through suspension of the permit, citations or by any means of enforcement that is within their power.

G. 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 Conservation, 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