

**BOARD OF ADJUSTMENT STAFF REPORT  
SP-14-11**

**Hwy 12 Auto Sales, LLC.**  
Public Hearing Scheduled for: 07/28/11

1. Request

A request for a special exception permit to authorize the location and operation of a used car dealership.

2. History

| Location/Zoning   | Permits Issued  | Previous Appeals | Citations  |
|---|---|------------------|------------|
| Property is located in the Commercial zoning district, on real estate described as: S4066 Highway 12, part of the SW ¼, SW ¼, section 22, T12N, R6E, Town of Baraboo. | <u>Permits:</u><br>Permits have been issued since 1989 on this property for replacement of the septic system and an addition to the residence and showroom and warehouse additions to the business and signs. | None found       | 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 7.09(2)(b)10 of the Sauk County Zoning Ordinance provides that a special exception permit is required for mobile home, recreational vehicle, boat and auto sales and rentals.

This site has a record of residential and commercial uses since 1989.

| Surrounding Properties |   | Floodplain/Wetland  | Other: |
|------------------------|---|---|--------|
| <b>North</b>           | Commercial and few residential properties     | Floodplain map, panel 5511C0382 E, effective date 12-15-09. This site is not located within the floodplain. |        |
| <b>South</b>           | Commercial properties                         |   |        |
| <b>East</b>            | Agricultural, and residential properties.     | There are no mapped wetlands indicated in this area.  |        |
| <b>West</b>            | Agricultural, and few residential properties. |   |        |

4. Plan Commission/Town Recommendation

The Town of Baraboo has voted to accept and acknowledge this request..

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 and a cottage industry.

B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.

C. The permit shall be nontransferable.

D. 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.

E. 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 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.

F. 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