

**BOARD OF ADJUSTMENT STAFF REPORT  
SP-20-11**

**James Jensen**

Public Hearing Scheduled for: 08/25/11

1. Request

A request for a special exception permit to authorize the location and operation of a proposed riding and horse boarding stable.

2. History

<b>Location/Zoning</b>	<b>Permits Issued</b>	<b>Previous Appeals</b>	<b>Citations</b>
Property is located in the Exclusive Agricultural zoning district, on real estate described as: Lot 1 CSM 5243, part of the N ½, , section 19, T10N, R4E, Town of Franklin.	<u>Permits:</u> A land use permit was issued in 2007 for filling and grading during the construction of a driveway.	SP-13-07 was granted by the Board for filling and grading in 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 7.05B(2)(b)1 of the Sauk County Zoning Ordinance provides that a special exception permit is required for stables, paddocks and equestrian trails which are commercial in nature.

Surrounding Properties		Floodplain/Wetland	Other:
<b>North</b>	Agricultural and few residential properties	Floodplain map, panel 5511C0500E effective date 12-15-09. This proposed site appears to be located outside the floodplain.  There are mapped wetlands indicated in this area east of highway 23.	
<b>South</b>	Agricultural and few residential properties		
<b>East</b>	Agricultural, and few residential properties.		
<b>West</b>	Agricultural and few residential properties		

4. Plan Commission/Town Recommendation

The Town of Franklin is aware that this appeal has been made 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 or any construction. County permits required for this approval include a land use permit for filling and grading and new construction.
- B. No work shall be commenced prior to receiving the Board of Adjustment decision letter.
- C. No filling shall be permitted in any wetland area.
- D. The applicant shall provide documentation that any construction shall not be located within the Floodway District. Any filling or construction in the floodplain shall meet all of the standards for development in Chapter 9 of the Sauk County Floodplain Zoning Ordinance.
- E. The permit shall be nontransferable.

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 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.

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