

BOARD OF ADJUSTMENT STAFF REPORT
SP-04-11
Mathy Construction Co./ Milestone Materials
Public Hearing Scheduled for: 02/24/11

1. Request

A request for a special exception permit to authorize the location and operation of a concrete batch plant in an existing quarry.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Agricultural zoning district, on real estate described as: S3902 Fox Hill Rd., part of the NE ¼, SE ¼, section 22, T12N, R6E, Town of Baraboo.	<u>Permits:</u> A land use permit was issued in 1995 for a temporary asphalt plant at this site.	Five special exception permits have been issued since 1994 for mineral extraction and a asphalt plant.	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 7.05(2)(l)19 of the Sauk County Zoning Ordinance provides that a special exception permit is required for mineral extraction activities.

This site had been used for mineral extraction by Baraboo Concrete since 1948. A special exception permit was granted in February of 2004 for the operation of a portable asphalt plant for one year. The property was purchased by Mathy Construction Company in 2009. Milestone Materials then renewed the mineral extraction special exception permit in June of 2009 for a term of ten years.

Surrounding Properties		Floodplain/Wetland	Other:
North	Other mineral extraction sites.	Floodplain map, panel 5511C0250 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 few residential properties		
East	Mineral extraction, agricultural and few residential properties.		
West	Mineral extraction, agricultural and few residential properties.		

4. Plan Commission/Town Recommendation

The Town of Baraboo is aware that this appeal has been filed with the Sauk County 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 within one year of the hearing date. County permits required for this approval include a land use permit for the batch plant.
- B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.
- C. The plant shall operate for the term and during the hours as permitted by special exception permit SP-24-09. This permit is due to expire July of 2019.

D. 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.

E. 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