

**BOARD OF ADJUSTMENT STAFF REPORT
SP-26-11**

Matthew Palmer

Public Hearing Scheduled for: 10/27/11

1. Request

A request for a variance to authorize the construction of a detached garage within the minimum side and rear yard setbacks on a substandard sized lot.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Exclusive Agricultural Zoning District, on real estate described as: E7875 Mill Rd., lot 24, Assessor's plat of Blackhawk, part of the SW ¼, NE ¼, section 8, T9N, R5E, Town of Troy.	<u>Permits:</u> Permits have been issued replace the septic system in 2002 and for an addition to the residence in 2007.	None found.	None found

3. Finding of Fact:

When reviewing a variance appeal, the Board of Adjustment looks at several criteria, including unique property limitations, the protection of public interest and proof of an unnecessary hardship.

Section 7.05B(3)(d) & (e) of the Sauk County Shoreland Protection Ordinance provides that for buildings or parts of buildings the side and rear yard requirements of the Single Family Residential District shall apply.

This site is located in an old subdivision that is not up to the standards that were put in place when the Exclusive Agricultural District was adopted.

Surrounding Properties		Floodplain/Wetland	Other:
North	Residential and agricultural properties.	Floodplain map, panel 5511C0518 E, effective date 12-15-09. This site is not located within the floodplain per a Letter of Map Amendment secured in 2007.	
South	An old residential subdivision and agricultural properties.		
East & West	Residential properties	There are mapped wetlands indicated in this area.	

4. Plan Commission/Town Recommendation

The Town of Troy is aware that this appeal has been requested from 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 within one year of the hearing date. County permits required for this approval include a land use permit.
- B. There shall be no filling permitted in any wetland area during this project.
- C. 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.

D. Failure by the Applicant to follow all of the conditions set forth by the Sauk County Board of Adjustment is grounds for revocation of the variance and possible enforcement action. In order to have the variance 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