

**BOARD OF ADJUSTMENT STAFF REPORT
SP-08-11**

Bradley & Debra Peck

Public Hearing Scheduled for: 05/26/11

1. Request

A request to bring into compliance an existing farm market and amusement park with ponds within 110 feet of a road or property line and variances for an existing flagpole built within the minimum side yard and road setback.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Recreational-Commercial District, on real estate described as: E3217 Highway 14 & 60, part of the N ½, NE ¼, section 8, T8N, R3E, Town of Spring Green.	<u>Permits:</u> None found.	A special exception permit was granted in September of 2005 for the expansion of the agricultural related business.	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 7.08(2)(b)6 of the Sauk County Zoning Ordinance provides that a special exception permit is required for amusement or recreational parks or services. Section 7.08(2)(b)10 provides that a special exception permit is required for golf driving ranges and miniature golf courses. Section 7.08(2)(b)14 provides that a special exception permit is required for go-kart or similar race tracks. Section 7.08(2)(b)22 provides that a special exception permit is required for ponds or lakes within 110 feet of a property line or road.

Section 7.08(3)c provides that there shall be a side yard on each side of a structure of at least ten feet in width. Section 7.18(1)(b) provides that the setback line for a class A highway shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.

The farm market has been in operation for over forty years. The purpose of the rezoning and special exception permit is to bring the existing business and related uses into compliance with the Sauk County Zoning Ordinance.

Surrounding Properties		Floodplain/Wetland	Other:
North	Agricultural and forested properties.	Floodplain map, panel 5511C0625 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 forested lands with few residential properties.		
East	Agricultural properties.		
West	The Sauk County Forest.		

4. Plan Commission/Town Recommendation

The Town of Spring Green has already approved of the rezoning of this property as part of the effort to bring it into compliance with the Zoning Ordinance.

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 permits.

- 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 operations.
- B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.
- C. The race track shall be limited to non motorized vehicles only.

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