

**BOARD OF ADJUSTMENT STAFF REPORT**  
**SP-07-11**

**Gary & Denise Schyvinch**  
Public Hearing Scheduled for: 03/24/11

1. Request

A request to renew special exception permits to authorize the location and operation of a contractor's storage yard, private landfill, mineral extraction site and agricultural related business.

2. History

<b>Location/Zoning</b>	<b>Permits Issued</b>	<b>Previous Appeals</b>	<b>Citations</b>
Property is located in the Agricultural zoning district, on real estate described as: E7849 South Ave., part of the E ½, NW ¼ and the NW ¼, SE ¼, section 29, T13N, R5E, Town of Dellona.	<u>Permits:</u> A land use permit was issued in 2006 for an addition to the residence. In 2007 a sanitary permit was issued for a replacement septic system and in 2008 a permit was issued for a gazebo.	Two special exception permits have been granted for these uses in 2001 and 2006.	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)(1)2 of the Sauk County Zoning Ordinance provides that a special exception permit is required a contractor's storage yard. Section 7.05(2)(1)10 provides that a special exception permit is required for a private landfill. Section 7.05(2)(1)19 provides that a special exception permit is required for a mineral extraction site. Section 7.05(2)(1)20 provides that a special exception permit is required for an agricultural related business.

The property has been approved as a contractor’s storage yard, private landfill, mineral extraction site and for an agricultural related business since 2001. The Office of Planning & Zoning has no records of any complaints or violations for said described uses.

<b>Surrounding Properties</b>		<b>Floodplain/Wetland</b>	<b>Other:</b>
<b>North</b>	Agricultural and few residential properties.	Floodplain map, panel 5511C0210 E, effective date 12-15-09. This site is not located within the floodplain.	
<b>South</b>	Agricultural lands.		
<b>East</b>	Agricultural and few 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 Dellona 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 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 site shall operate per the conditions and during the hours as permitted by special exception permit SP-10-01. Condition H. shall be amended to read “The applicant shall provide financial assurance to be in compliance with section 24.07 of the Nonmetallic Mining Reclamation Ordinance and chapter NR135 of the WI. DNR code. These permits shall be in effect for a period of ten years and may be renewed by the Board of Adjustment at that time.

D. The landfill shall only accept approved clean fill. Clean fill consists of concrete, topsoil, subsoil, stumps and brush, unpainted brick, block and wood.

E. 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.

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 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