

**BOARD OF ADJUSTMENT STAFF REPORT
SP-02-11**

Robert Scott

Public Hearing Scheduled for: 02/24/11

1. Request

A request for a special exception permit to authorize filling and grading on slopes of more than 20 % during the construction of a detached garage within 1000 feet of Lake Redstone.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Shoreland Protection District, on real estate described as: E4337 W. Redstone Dr., lot 35 of the Mourning Dove addition to Lake Redstone, part of the SE ¼, SW ¼, section 14, T13N, R3E, Town of La Valle.	<u>Permits:</u> In 2000 a permit was issued (00-662) for landscape timbers, a gazebo and shed. In 2002 a permit was issued (02-661) for a residence and holding tank.	None on record.	None on record.

3. Finding of Fact:

Section 8.03(1)(a) provides that: The jurisdiction of this ordinance shall include lands within 1000 feet from the ordinary high water mark of a lake, pond or flowage.

When reviewing a special exception proposal for filling and grading in the Shoreland Protection District, the Board of Adjustment looks at several criteria, including the conditions in section 8.08(3) and the provisions specified in sections 8.14(3)(b) and 8.14(3)(c).

Section 8.08(3)(a) of the Sauk County Shoreland Protection Ordinance provides that a special exception permit is required for any filling and grading which is within 300 feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is any of the topographic conditions listed below:

1. Any filling or grading on slopes of more than twenty percent.
2. Filling or grading of more than 2000 square feet on slopes of twelve to twenty percent.

3. Filling or grading of more than 4000 square feet on slopes of less than twelve percent.

Surrounding Properties		Floodplain/Wetland	Other:
North	Developed and vacant residential lots.	Floodplain map, panel 5511C0180 E, effective date 12-15-09 (included). The location of this project is not in the floodplain of Lake Redstone There are no mapped wetlands indicated in this area.	The Lake Redstone is a navigable water and is subject to the Shoreland Protection Ordinance.
South	Lake Redstone		
East	Lake Redstone.		
West	Developed and vacant residential lots.		

4. Plan Commission/Town Recommendation

The Town of La Valle is aware that this application for an appeal to the Sauk County Board of Adjustment has been filed.

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 filling & grading and the detached accessory building
- B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.
- C. Erosion control shall be installed, as necessary and maintained until the site is stabilized/re vegetated per the plans submitted.
- D. This project shall not disturb neighboring properties nor increase storm water runoff.

E. Per Sauk Co. Code 8.08(5)(a), the smallest amount of bare ground shall be exposed for as short a time as feasible.

F. Per Sauk Co. Code 8.08(5)(b), temporary ground cover (such as mulch or jute netting) shall be used and a permanent vegetative cover shall be established.

G. Per Sauk Co. Code 8.08(5)(c), diversion berms or bales, silting basins, terraces, filter fabric fencing, the application of polymers and other methods shall be used to prevent erosion.

H. Per Sauk County Code 8.08(5)(e), fill shall be stabilized according to accepted engineering standards.

I. 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.

J. 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