

BOARD OF ADJUSTMENT STAFF REPORT
SP-07-12
Mid-Continent Railway Historical Society, Inc.
Public Hearing Scheduled for: 03/29/12

1. Request

A request for a special exception permit to authorize the location and operation of a recreation camp and campground.

2. History

| Location/Zoning | Permits Issued | Previous Appeals | Citations |
|---|---|------------------|---|
| Property is located in the Recreational-Commercial zoning district, on real estate described as: E8948 Museum Rd., part of the SW ¼, NW ¼, and NW ¼, SW ¼, section 2, T11N, R5E, Town of Freedom. | Six land use and a sanitary permit have been issued to the Society dating back to 1981. | None found | The Society was sent a notice of violation for camping in the flood zone in 2010. |

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)16 and 17 of the Sauk County Zoning Ordinance provides that a special exception permit are required for recreation camps and campgrounds.

| Surrounding Properties | | Floodplain/Wetland | Other: |
|--------------------------|--|---|--------|
| East | The Baraboo River and the Village of North Freedom | Floodplain map, panel 5511C0378E effective date 12-15-09. This proposed site appears to be located inside of the floodplain. There are mapped wetlands indicated to the west of this area. | |
| West | Agricultural and few residential properties. | | |
| North & South | Agricultural properties and the Baraboo River. | | |
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4. Plan Commission/Town Recommendation

The Town of Freedom is aware that this appeal has been made to the Board of Adjustment and this property was rezoned to the Recreational- Commercial district in 2008.

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 prior to commencing operation or any construction. The County permits required include a Land Use permit.

B. No work shall be commenced prior to receiving the Board of Adjustment decision letter.

C. The permit shall be nontransferable.

D. The campground shall meet all of the provisions as specified in section 9.03(14)(d) of the Sauk County Floodplain Zoning Ordinance.

E. 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.

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 Conservation, 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