

**BOARD OF ADJUSTMENT STAFF REPORT**  
**SP-11-12**

**D. L. Gasser**

Public Hearing Scheduled for: 04/26/12

1. Request

A request to modify the conditions of a special exception permit to operate a quarry

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: S3783 and S3852 Fox Hill Rd., lots 1 & 2 CSM 3841, part of the E ½, NW ¼, the W ½, NE ¼ and the SE ¼, NE ¼, section 22, T12N, R6E, Town of Baraboo. | In 1999 permits were issue for a concrete building and a conventional septic system. In 2011 a permit was issued to and a silo to the hot mix plant. | Five special exception permits have been issued since 1988 for mineral extraction at this site. | 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)(l)19 of the Sauk County Zoning Ordinance provides that a special exception permit is required for mineral extraction activities.

A special exception permit was granted in 2006, to the applicants, for the continued operation of the quarry for a period of ten years.

| Surrounding Properties                     |   | Floodplain/Wetland  | Other: |
|--|---|---|--------|
| <b>North,<br/>South<br/>&amp;<br/>West</b> | Forested, agricultural and few residential properties | Floodplain map, panel 5511C0250 E, effective date 12-15-09. This site is not located within the floodplain.<br><br>There are no mapped wetlands indicated in this area. |        |
| <b>East</b>                                | Quarries, forested and agricultural properties        |   |        |
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|  |   |   |        |

4. Plan Commission/Town Recommendation

The Town of Baraboo 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 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.
- 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 under the terms permitted by special exception permit SP-13-06. Except as modified at this hearing. This permit is due to expire April of 2016.
- D. The permit shall be nontransferable.
- 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