

**BOARD OF ADJUSTMENT STAFF REPORT  
SP-10-12**

**Joseph Seep**

Public Hearing Scheduled for: 04/26/12

1. Request

A request for a variance to authorize the replacement of a warehouse, workshop that was destroyed by fire within the minimum road setback.

2. History

<b>Location/Zoning</b>	<b>Permits Issued</b>	<b>Previous Appeals</b>	<b>Citations</b>
Property is located in the Commercial zoning district, on real estate described as: E3761 Old K Rd., lot 1 CSM 1592, part of the NW ¼, SW ¼, section 27, T12N, R3E, Town of Ironton.	<u>Permits:</u> Two permits are on record as being issued to replace the septic system.	None found	None found

3. Finding of Fact:

When reviewing a variance appeal, the Board of Adjustment looks at several criteria, including unique property limitations, the protection of public interest and proof of an unnecessary hardship.

Section 7.18(3)(b) of the Sauk County Zoning Ordinance provides that: for all class C highways setback lines are hereby established, parallel to and a distance of 63 feet from the centerline of such highway or 30 feet from the right-of-way line, whichever is greater.

The building that was destroyed was built prior to Sauk County adopting the current ordinance. State statute provides that a nonconforming structure may be rebuilt after being destroyed by a fire. However if the building is to be expanded or the use changed, the structure would have to be in compliance with the local ordinance. It is proposed that the building is to be enlarged to the south.

Surrounding Properties		Floodplain/Wetland	Other:
<b>North, South, East &amp; West</b>	Agricultural and few residential properties	Floodplain map, panel 5511C0310 E, effective date 12-15-09. This site is not located within the floodplain.  There are no mapped wetlands indicated in this area.	
<b>South west</b>	The Village of Lime Ridge.		

4. Plan Commission/Town Recommendation

The Town of Ironton recently approve the rezoning of this area from Exclusive Agricultural to Commercial in order to bring the property into compliance with the ordinance.

5. Planning and Zoning Recommendation

Planning and zoning recommends that the following conditions be considered by the Board should the Board grant the variance.

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 construction. The County requires a land use permit be secured.

B. 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.

Report submitted by David D. Lorenz