

**BOARD OF ADJUSTMENT STAFF REPORT  
SP-05-14**

**Clarence and Eli Borntrager**  
Public Hearing Scheduled for: 03/27/14

1. Request

A request for special exception permits to authorize the location and operation of an auction barn and an agricultural related auction site.

2. History

<b>Location/Zoning</b>	<b>Permits Issued</b>	<b>Previous Appeals</b>	<b>Citations</b>
The property is in the located in the Commercial and Agricultural zoning districts, on real estate described as: S2394 State Road 58, lot 1 CSM 4660, part of the W ½, SW ¼, section 34, T13N, R3E, Town of La Valle.	Permits have been issued since 2003 for various buildings, a privy, grocery store and a sign.	None found	A citation was issued in 2008 for a sign located in the right of way and then dismissed when removed.

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 7.09(2)(b)4 of the Sauk County Zoning Ordinance provides that a special exception permit is required for auction barns. Section 7.05(2)(1)20 provides that a special exception permit is required for agricultural related businesses.

Surrounding Properties	Floodplain/Wetland	Other:
Agricultural, forested and few residential properties	Floodplain map, panel 5511C0167 E, effective date 12-15-09, indicates that this property is not located within the floodplain.	
	There are no mapped wetlands indicated on this parcel.	

4. Plan Commission/Town Recommendation

The Town of La Valle is aware that this appeal has been filed with the Sauk County Board of Adjustment and voted to approve this appeal subject to conditions.

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.
- B. No auctions shall be held prior to receiving the Board of Adjustment decision letter and securing the required permits.
- C. The site shall operate under the terms and during the hours as presented by the applicant.
- D. The permit shall be issued to the owner and shall be nontransferable.
- E. Off street parking shall not be permitted on State Road 58 and a breaker rock tracking pad shall be installed on the driveway to prevent any mud from being tracked onto the highway.

F. This permit shall be valid for a period of five years and may be renewed by the Board of Adjustment at that time.

G. 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.

H. 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