

copy

# Dodge County

Planning and Development Department

Administration Building 127 E. Oak Street, Juneau, WI 53039-1929 (920) 386-3711 Fax (920) 386-3979

December 1, 2004

Thomas Springer  
W7932 Provimi Road  
Watertown, WI 53098

RE: Notice of Permit Refusal

Site Location: SE 1/4 NW 1/4, Section 25, T09N, R14E,  
Township of Shields, Dodge County, Wisconsin  
PIN# 040-0914-2524-002  
Site Address: W7910 Provimi Road

Dear Mr. Springer:

Your application for a permit to allow a temporary stockpiling of unfinished tire material along the west side of the processing facility on the property described above is hereby denied for failure to comply with the following sections of the Dodge County Land Use Code:

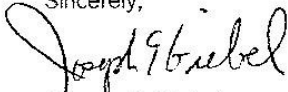
Subsection 11.2.1 D) of the Dodge County Land Use Code lists the types of violations. According to this subsection, development inconsistent with the conditions of approval, to violate any term, condition, or qualification placed by a Decision-Making Body upon any permit of other form of authorization is considered a violation of the code. According to the October 1, 1998 decision of the Board of Adjustment, the variance does not have any provisions for processed material to be stockpiled or stored on this property. The stockpiling and storage of tire material on this site is considered to be a violation of the Board of Adjustment Decision and therefore prohibited by the code.

According to Table 3.6-1 of the Code, a tire recycling facility is not listed as a permitted or conditional use within the A-1 Prime Agriculture Zoning District. Tire recycling facilities are only listed as an allowed use within the I-2 Industrial Zoning District and as a conditional use within the I-1 Light Industrial Zoning District. The use of this property as a tire recycling facility was apparently established prior to the Town of Shields adopting County Zoning in April of 1992. Therefore, the business is considered a legal existing nonconforming use. Section 10.2 of the County Land Use Code refers to existing, non-conforming uses and indicates that the lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Code may be continued although the use does not conform with the provisions of this Code. However, only the portion of the land or water in actual use may be so continued, and the structure or area within which the use is contained may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order, so as to comply with the provisions of this Code, or in accord with Section 10.2.4. The County considers the addition of a stockpile or storage area for unfinished tire pieces as an expansion of the nonconforming use of the property and therefore prohibited by the Code.

Therefore, the County is unable to issue a permit for this proposed structure unless the property is brought into compliance with the code. You have the right to appeal the decision of the Land Use Administrator to the Board of Adjustment.

A variance request was filed on November 9, 2004 and has been forwarded to the Board of Adjustment for scheduling of an on-site inspection and a public hearing. If you have any questions, feel free to give me a call.

Sincerely,



Joseph E. Giebel  
Assistant Code Administrator