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BOARD OF ADJUSTMENT PUBLIC HEARING
OCTOBER 27, 2005
COUNTY BOARD ROOM, BAYFIELD COUNTY COURTHOUSE
WASHBURN, WISCONSIN

Notice is hereby given that a public hearing will be held on **Thursday, October 27, 2005** at 9:00 a.m. in the County Board Room of the Bayfield County Courthouse, Washburn Wisconsin relative to the following item(s):

Kathleen Scott, et al, owner(s) and Hank Martinsen, agent are requesting three (3) variances on a substandard parcel of land; one from the terms of Section 13-1-26(c) of the Bayfield County Zoning Ordinance. This section states a building permit for improvement of a lot having lesser dimensions than those described in subsection (a) shall be issued only after the granting of a variance by the Board of Adjustment. Subsection (a) requires substandard lots of record which are served by a public sanitary sewer and is at least 7500 sq. ft. in area, 50 ft. in width at the building line, and 50 ft in width at the water line. Applicant would like to place a 29' x 52' home on the lot.

Pending the outcome of variance one (1) the applicant is requesting a second variance as authorized under the terms of Section 13-1-22(b)(3) of the Bayfield County Zoning Ordinance for reduced roadway. This section states within the unincorporated village overlay district, a minimum setback distance of 10' from the right-of-way line of any street, road or alley shall be maintained.

The third variance the applicant(s) are requesting is from Section 13-1-60(a) which requires structures to be setback 10' from side and rear yard lot lines. The applicant(s) are seeking a reduced setback of 2' from the West property line running North and South.

Applicant(s) property is described as a .28-acre(parcel ID# 014-1113-06), located in Lot 1, Block 3, Robert Bartlett Jr. Addition to Orchard City, in Section 5, Township 50 North, Range 7 West, Town of Clover, Bayfield County, WI.

James M. Bigott is requesting variances from the terms of Section 13-1-22(b), 13-1-29(c)(1) and 13-1-32(e) of the Bayfield County Zoning Ordinance. Section 13-1-22(b) states; the road setback shall be 63' from centerline of a town road or 30' from right-of-way line, whichever is greater. The applicant seeks to remove an existing non-conforming garage of under 600 sq. ft. and construct a 1000 sq. ft. building for a Bar/Bait shop at a reduced setback of 40'6" from the centerline and 16' from the right-of-way of South Garden Lake Avenue.

Section 13-1-29(c)(1) states; developments providing shoreline access to navigable waters shall meet the requirements of Section 13-1-32(e) which states; a planned unit development, condominium development, or other development including a multiple unit dwelling, hotel, motel, or resort, which provides shoreline access to navigable waters, shall be subject to the following minimum requirements, the rows referred to being the rows of the table in paragraph (6) below:

- (e) Planned Unit Development & Other Multiple Unit Dwellings.
- (6) Table of requirements:

Row E (Shoreline Setback)	200 feet
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Applicant requires a variance from the open space requirement and a reduced setback of 96' instead of the 200' from the ordinary high water mark. The parcel of land is described as .8-acre (ID# 034-1123-01), located in Lots 6-9, Block 5, Plat of Namakagon including easement for private driveway across the existing portion of the above excepted portion of Lot 6, Block 5, all in Section 7, Township 43 North, Range 5 West, Town of Namakagon, Bayfield County, WI.

Greg Dehring is requesting variances from the terms of Section 13-1-22(b) of the Bayfield County Zoning Ordinance. Section 13-1-22(b) states; the road setback shall be 63' from centerline of a town road or 30' from right-of-way line, whichever is greater. The applicant seeks to construct a 28' x 32' garage 15' from the right-of-way of a platted but undeveloped road named Maple Street. Applicant also seeks a variance to remove and replace the existing 24' x 56' home with a 40 sq. ft entryway 20' from the right-of-way and 46' from the centerline of Maple Street.

Applicant's property is described as .7-acre parcel (ID# 034-1125-04), located in Lot 1 and 75' of Lot 2, Block 4, Gottland Resort subdivision, Section 2, Township 43 North, Range 6 West, Town of Namakagon, Bayfield County, WI

Deep Lake, Inc. 3. owner and Peggy Kman, President are seeking a variance from the terms of Section 13-1-22(a)(1)&(2), 13-1-32(b)(1)&(2). Section 13-1-22(a)(1)&(2) states:

- (1) *[Setbacks.]* Except as otherwise provided in this subsection, setbacks for structures on shoreland lots shall be as provided in Section 13-1-32.
- (2) *Reduced Roadway, Rear Yard, and Shoreline Setbacks for Undeveloped and Redeveloped Lots of Record.*
 - a. *Nonconforming Plats.* If a lot platted prior to December 12, 2000, is not deep enough to accommodate required roadway or rear yard and shoreline setbacks, the roadway or rear yard setback may be reduced until a thirty-foot deep building site is established provided the resulting setback is not less than one-half the distance of the required setback. In such case, in order to avoid visual and other obstructions, no garage doorway may open toward and no parking area may be located in the reduced roadway setback area.
 - b. *Shoreland Adjustment.* If the road or rear yard setback reduction above does not provide a thirty-foot deep buildings site, the shoreline setback may then be reduced until a thirty-foot deep building site is established provided the resulting shoreline setback is not less than two-thirds of the distance of the required setback.

Section 13-1-32(b)(1)&(2) states; (b) Inland Lake Lot Requirements.

- (1) Except as provided in Section 13-1-26, no land use permit shall be issued for a lot having frontage on a classified lake unless the lot meets the following minimum lot requirements, and except as provided in Section 13-1-22(a)(2), (5) and (6), Section 13-1-40, and paragraphs (2) and (3) below, any structure thereon shall meet the following minimum setback requirements for the class in which the lake is included:

Lake Class	Class 1
Lot Size	30,000 sq. ft.
Shoreline Frontage	150 ft.
Lot Depth	200 ft.
Shoreline Setback	75 ft.

Shoreline 50 ft.
Vegetation
Protection
Area

- a. If a shoreland lot which was legally created prior to December 12, 2000, is less than 150 feet in width, the minimum side yard setback for structures on such lot shall be the minimum side yard setback requirement which applied to such lot prior to December 12, 2000.

Applicant seeks to construct an 18' x 32' residential structure 5' (including the eaves) from the East property line, 50' from the ordinary high water mark of Twin Bear Lake and 6'2" from the right-of-way of County Hwy H.

Status Report: Discussion of any court decisions for cases under review since the last meeting of the Board. (i.e. **NA**)

The Board of Adjustment agenda shall be as follows:

9:00 a.m.	Call to Order
9:00 – 9:15 a.m.	Review of materials contained in files of the above cases
9:15 a.m.	Acceptance of oral or written testimony from interested parties

Upon exhaustion of public input, notice is served that the Board of Adjustment pursuant to Section 19.85 (1)(a) Wisconsin Statutes may convene in closed session to deliberate on one or more of the above cases. Following any such deliberation, the Board will reconvene in open session to render and announce their decisions.

STEPHEN W. COLLINS, CHAIRMAN, BAYFIELD COUNTY BOARD OF ADJUSTMENT

Note: Any person aggrieved by any decision of the Board of Adjustment, or a taxpayer, or any officer, department, board or bureau of the municipality, may within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by writ of certiorari.