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**BOARD OF ADJUSTMENT PUBLIC HEARING**  
**SEPTEMBER 28, 2006**  
**COUNTY BOARD ROOM, BAYFIELD COUNTY COURTHOUSE**  
**WASHBURN, WISCONSIN**

Notice is hereby given that a public hearing will be held on **Thursday, September 28, 2006** at 9:00 a.m. in the County Board Room of the Bayfield County Courthouse, Washburn Wisconsin relative to the following item(s):

**Kenneth M. Bro, individually and on behalf of Cable Lakes Association, appellant and Jack A. Carlson, agent** are requesting an **interpretation** of Section 13-1-32(e) of the Bayfield County Zoning Ordinance and an **appeal** of the Bayfield County Planning and Zoning Committee’s July 20, 2006 decision to grant a conditional use permit for a PUD to Michael Burg (Tamarack Point).

Appellants’ seek an interpretation of Section 13-1-32(e) which states:

- (e) **Planned Unit Developments and Other Multiple Unit Developments.** 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 (provided that if an applicable zoning district dimensional requirement in Section 13-1-60 is more restrictive, it shall apply instead).
- (1) Shoreline frontage as indicated in Row A.
  - (2) Boats stored and having mooring or dock privileges on navigable waters shall be only those of the property owners, their guests, and renters of dwelling units, except for boats at marinas or boat repair facilities. The maximum capacity for boat storage shall be no more than two times the number of dwelling units.
  - (3) Open space as indicated in Row B, provided that if the development is within the boundaries of an unincorporated village overlay district (“UVOD”) the minimum open space shall be as indicated in Row C, and if the development is served by a public sewer system, the minimum open space shall be as indicated in Row D; and provided further that additional open space, as determined by the Zoning Committee, shall be required for each additional unit other than a dwelling unit, such as a restaurant, supper club, office, conference center, or bar. Except within the Town of Bayfield, where the minimum open space shall be as indicated in Row B.
  - (4) Shoreline setback for structures as indicated in Row E.

- (5) A shoreline vegetation protection area, as described in Section 13-1-23, from the ordinary high water mark to a line 25 feet closer to the ordinary high water mark than the required shoreline setback. The combined widths of viewing corridors through a shoreline vegetation protection area shall not exceed the percentage of total frontage of the development indicated in Row F, and no single view corridor shall exceed 10% of the total frontage.
- (6) Table of requirements:

	<b>Class 1 Lakes and Lake Superior</b>	<b>Class 2 Lakes</b>	<b>Class 3 Lakes, Rivers and Streams</b>
<b>Row A (Shoreline Frontage)</b>	150 feet per every 4 dwelling units; 600 feet minimum	200 feet for every 3 dwelling units; 800 feet minimum	300 feet for every 2 dwelling units; 1200 feet minimum
<b>Row B (Open Space)</b>	30,000 square feet per dwelling unit	60,000 square feet per dwelling unit	120,000 square feet per dwelling unit
<b>Row C (Open Space in UVOD)</b>	7,500 square feet per dwelling unit	15,000 square feet per dwelling unit	30,000 square feet per dwelling unit
<b>Row D (Open Space-Public Sewer System)</b>	10,000 square feet per dwelling unit	20,000 square feet per dwelling unit	40,000 square feet per dwelling unit
<b>Row E (Shoreline Setback)</b>	200 feet	200 feet	225 feet
<b>Row F (Viewing Corridors)</b>	20% of frontage	15% of frontage	10% of frontage

Appellants' are appealing the 15 single family units authorized by the Planning and Zoning Committee. Appellants' maintain that no more than 13 units can have access to Cable Lake given the criteria set forth in Section 13-1-32(e).

The property is described as 55-acre parcel (ID#'s 012-1101-08 & 012-1102-07), described as the S ½ of the NW ¼ of the NW ¼, and the S ½ of Gov't Lot 7, all in Section 12, Township 43 N, Range 8 West Town of Cable, Bayfield County, WI.

**John A. Fugelso** is seeking a variance from the terms of Section 13-1-22(b) of the Bayfield County Zoning Ordinance. This section states:

(b) **Highway Setbacks.**

Class of Highway	Setback from Centerline	Setback from Right of Way Line
State & Federal	110'	50', whichever is greater
County	75'	42', whichever is greater
Town	63'	30', whichever is greater

Applicant seeks to construct a 28' x 32' garage 43' from the West centerline of a town road and 45' from the East centerline of a town road.

The property is described as .04 & .03-acre parcels (ID# 016-1114-04) sub-standard lot of record, located in part of the SW ¼ of the NE ¼, Section 3, Township 46 N, Range 8 West, Town of Delta, Bayfield County, WI.

Discussion of any court decisions for cases under review since the last meeting of the Board. (i.e. Bourassa, Save Our Lakes, and Arthur Schultz)

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.