

Decision on Special Exception  
By Bayfield County Board of Adjustment

Case No. 2

February 23, 2006 Meeting

Owen Larson, owner and Ryan Larson, agent are requesting a special exception as authorized under the terms of Section 13-1-22(j) of the Bayfield County Zoning Ordinance for a reduced rear yard setback of 60' instead of the required 75' in an Agricultural-1 zoning district as required in Section 13-1-60(a).

Applicant wishes to construct a 36' x 38' residence / porch with roof overhang. His property is described as a substandard lot of record consisting of .62 acre parcel (ID#021-1120-02), located in the NW1/4 of the NE1/4, Section 5, Township 46 North, Range 5 West, Town of Kelly, Bayfield County, WI.

Findings of Fact and Conclusions of Law

1. Applicant seeks a special exception to reduce a rear yard setback from 75' to 60' pursuant to Sec. 13-1-22(j) of the Bayfield County Zoning Ordinance.
2. The Town Board in this case recommended approval, noting that, "The current site has been an eyesore. While the site is small, a new house will add significant value."
3. There is no indication that any of the neighbors objected to the special exception.
4. The Board has considered all of the evidence, including Exhibit B1, the application packet.
5. The Board has also considered the testimony of Travis Tulowitzky, an employee of the Bayfield County Zoning & Planning Department. He indicated that the existing house is less than 600 sq. ft., and was significantly burned, with some of the walls still being up but the back wall being down, and the roof having collapsed. The building is not salvageable. The present location of the building is in a non-conforming location as far as setbacks.
6. Mr. Tulowitzky further testified that he saw no problem with this special exception related to the ordinance criteria in Sec. 13-1-41(b)(4). He notes that this is not shoreland and he feels that the area would be benefitted by removal of the existing burned building.
7. The Board has also considered the testimony of Ryan Larson and Exhibit B2. He plans a 36' x 38' building. He wants to locate it in such a way that a rear yard setback reduction would be required to facilitate location of a septic and a later detached garage. This location would also be better for the 1 1/2 story house that he has planned.
8. Mr. Larson approached adjoining landowner, John Delfield, and Mr. Delfield is not interested in selling any property.

Decision:

For all of the above reasons and having considered the criteria in Sec. 13-1-41(b)(4) related to the factors for granting the special exception, the Board finds that it would be appropriate to grant a special exception for a 60' rear yard setback, with the following conditions:

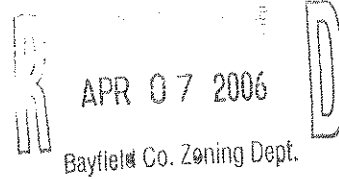
1. All existing structures on the property would be removed before construction of the new building begins.
2. There would be no buildings allowed on the parcel other than a house and garage. The applicant would have to make proper application to the Zoning Department for the garage at the time he wishes to build it.

Motion by Thomas Gordon, seconded by Steve Collins.

VOTE: 5 Yes, 0 No.

DATED: ~~February~~ <sup>April</sup> 7, 2006

*Kerry Tetzner*



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Members Present: Chairman Thomas Gordon, Phillip Lupa, Kerry Tetzner, Steven Collins, Leroy Wiesner.

Also Present: Michael Fauerbach, Attorney for B.O.A.; Karl Kastrosky, Director of Planning and Zoning; Travis Tulowitzky, Land Use Specialist, Zoning & Planning Department.