

Decision on Special Exception

By Bayfield County Board of Adjustment

Case No. 3

July 27, 2006, Meeting

Town of Keystone, owner, and George Koval, Town Chairman, agent are requesting a special exception as authorized under the terms of Section 13-1-22(j) of the Bayfield County Zoning Ordinance. This section states: Special Exceptions. Minimum side and rear yard setbacks (other than shoreline and public road setbacks) and minimum private road setbacks may be reduced, and side and rear yard setbacks (other than shoreline and public road setbacks) in commercial districts may be eliminated, by special exception granted by the Board of Adjustment pursuant to Section 13-1-102-(e)(4). The special exception as authorized under this section is to construct a 20' x 60' addition to the existing non-conforming building 7' from the west property line instead of the required 30' as required in Section 13-1-60(a).

The property is a 1-acre (substandard lot of record) parcel (ID# 018-1040-04-002), located in part of the SE ¼ of the SE ¼, Section 23, Township 47 N, Range 6 West, Town of Keystone, Bayfield County, WI.

Findings of Fact and Conclusions of Law:

1. This application for a special exception is involving a 1-acre parcel, zoned Ag-1.
2. In that zoning area an accessory building is supposed to be 30 feet from the adjoining property line.
3. The applicant is requesting a special exception to construct a 60' x 20' addition to an existing non-conforming building. Applicant wants to build 7 feet from the property line.
4. This request is an addition to a town garage building.
5. To facilitate this addition, the setback problem has to be dealt with because on all sides, except the west side, it would be extremely difficult, if not impossible, to expand the building.
6. On the east side there is an existing LP tank, diesel pump, utility pole, and also underground buried lines for power and phone that would make positioning in that direction very difficult.
7. The Town Board recommended approval of the special exception.
8. Zoning Department employee, Travis Tulowitzky, testified as follows:
 - a. Identified Exhibits C-2 and C-3 which shows problems with expanding to the east.
 - b. Identified Exhibit C-4 which was a picture showing that there would be no problem in adding on to the west side, except that the special exception would be required.

9. Longtime Town Chairman; George Koval, testified as follows:

- a. Three other municipalities are involved in this project which would use this building for parking a fire truck now and also possibly additional fire trucks and ambulances in the future.
- b. The township tried to purchase property to the west and the neighbor wouldn't sell, but they did not object to putting the building this close to the property line.

10. This addition is designed to house emergency service vehicles that will increase safety for town residents in an area with a growing population.

11. Putting the fire truck on the west side of the building would also provide better, quicker access for these emergency vehicles.

12. The Board has considered all of the criteria in Section 13-1-41(b) of the ordinance, including but not limited to the maintenance of safe and healthful conditions for area residents, existing topographic and vegetative features, and location of the site with respect to existing or future access roads.

Decision:

For all of the above reasons, the special exception is granted.

Motion made by Leroy Wiesner; seconded by Richard Compton.

VOTE: 5 Yes, 0 No.

DATED: July 27, 2006.



Members Present: Stephen Collins, Chairman; Randy Matis, Phillip Lupa, Leroy Wiesner; Richard Compton.

Also Present: Michael Fauerbach, Attorney for B.O.A.; Karl Kastrosky, Director of Planning & Zoning; Michael Furtak, Assistant Zoning Administrator; Jason Fischbach, Ashland/Bayfield/Douglas/Iron County Land Conservation Department; Travis Tulowitzky, Land Use Specialist.

