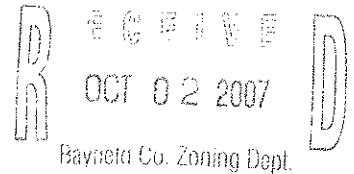


Decision on Special Exception
By Bayfield County Board of Adjustment



Case No. 2
September 27, 2007

Ruth M & Gordon Tonn 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 (12' x 28') (336 sq. ft) bunkhouse 15' from North property line and 58' from South property line instead of the required 75' as required in Section 13-1-60(a). Property is a 0.56-acre parcel (ID# 012-1130-05) described as part of the N ½ of the SW ¼ of the NW ¼, Section 24, Township 43 N, Range 8 W, Town of Cable.

Findings of Fact and Conclusions of Law:

1. The applicant requests a reduced side yard setback of 15' on the north and 58' on the south, pursuant to Section 13-1-22(j) of the ordinance. The distance from the proposed site to any building on the north is approximately 300' or more. Existing buildings on the south are much closer.
2. The parcel is zoned Residential 2. That zoning district would normally require a 75' setback for a principal structure as requested here.
3. The normal requested setback cannot be met because this is a substandard lot of record with a total width of 85' or less.
4. The requested structure would be 12' by 28', to be used for human habitation.
5. There is no existing building on the premises. This would be the principal structure, a pre-built, log-sided cabin.
6. The Board has received two letters from neighbors objecting to the special exception. One letter is from Norman Anderson and Katherine Schaefer. That letter is part of Exhibit B-1. There is also a second letter identified as Exhibit B-2 which may be from Mr. Michael Peterson but it is not at all clear because the signature is illegible.
7. Zoning & Planning Administrator Karl Kastrosky pointed out in his testimony that this lot existed prior to zoning and once zoning was adopted by this township the zoning had the effect of taking away any opportunity to build.
8. There is no recommendation from the Town Board in the materials, but there was testimony from Mr. Furtak and the applicant that the Town Board had, in fact, recommended to approve the special exception.
9. The applicant testified that he would agree to a condition of the special exception that there be no more structures placed upon the land.
10. The Board has considered all of the factors in Section 13-1-41(b) of the ordinance, and specifically the maintenance of a safe and healthful condition, and the potential impact of the

proposed use and other lands, and land uses in the vicinity and the extent to which this building would be compatible or incompatible therewith.

11. The Board finds that it would be difficult to allow any use of this property without a special exception or variance.

Decision: For all of the above reasons, the request for a special exception is granted with the following conditions:

1. No expansion of the principal structure will be allowed unless the parcel is re-zoned.
2. The applicant will maintain the proposed structure as a wood sided cabin with a color that blends in with the surrounding area.

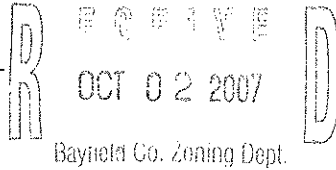
Motion made by Compton, seconded by Wiesner, to grant the special exception.

MOTION PASSED.

VOTE: Yes 5 No 0

Dated: Sept 29, 2007

Randy Matis



Members Present: Stephen Collins, Randy Matis, Phil Lupa, Lee Wiesner, Richard Compton

Also Present: Michael Fauerbach, Attorney for BOA