

DECISION ON SPECIAL EXCEPTION  
BY BAYFIELD COUNTY BOARD OF ADJUSTMENT

Case #1  
June 26, 2008

**Jeremy Koehl** is 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 an unattached 24' x 24' garage 14' from the North property line instead of the required 30' as required in Section 13-1-60 (a).

Property is a 10-acre parcel (ID# 04-008-2-50-04-32-4 04-000-40000 (008-1037-10-990) described as the W ½ of the S ½, SE ¼, SE ¼, Section 32, Township 50 N, Range 4 W, Town of Bayview, Bayfield County, WI.

FINDINGS OF FACT, CONCLUSIONS OF LAW

1. The applicant requests a special exception under the terms of 13-1-22(j) and 13-1-102(e)(4) of the Bayfield County Zoning Ordinance.
2. The applicant wishes to construct an unattached 24' x 24' garage 14' from the north property line instead of the required 30'.
3. This property is a 10 acre parcel with F-1 zoning.
4. The town board recommended approval of this request.
5. The existing house was built in 1975 and it pre-dated zoning in the Town of Bayview.
6. The north property line of the applicant's property has been previously surveyed and is well delineated.
7. The only feasible location for a garage anywhere near the house is on the north side, due to the topography. This is a very hilly area with steep grades.
8. The extent of the setback is different, depending on whether or not the garage is attached to the house. The setback for a detached accessory building is 30', and it is 75' for an attached garage. However, by building this as an attached garage the garage would actually be 3' farther from the north property line.
9. The property owners to the north are Mary and Joseph Johanik. They do not want to sell any of their land but they are not opposed to the special exception in this case.
10. The applicant testified at the hearing that he preferred that this be a garage attached to his home which is also his permanent residence.
11. The applicant understands that if the garage is attached to the house it would use up almost all of his 50% expansion rights. The applicant also understands that if the garage is detached the 50% expansion rights for a non-conforming structure do not come into play.

12. The board feels that the zoning department did the best they could in advising the applicant, but the application may have been for a detached garage because it was thought that it would have the best chance of success and that you could not have an alternative request. The board believes that alternative requests are permissible.
13. The board has considered all factors in Sec. 13-1-41(b)(4a). The board has particularly considered the issue of existing topographic features and the fact that there does not appear to be any other place to build a garage except in the approximate location requested by the applicant.

Decision: For all of the above reasons the request for special exception is granted. The applicant may construct an attached 24' x 24' garage with a reduced setback of 17' from the north property line. As a condition of this special exception there will be no further expansion of the residence.

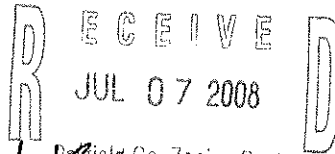
Motion made by Compton, seconded by Lupa, to grant the special exception with the condition indicated.

MOTION PASSED.

VOTE: Yes 4 No 0

Dated: \_\_\_\_\_

*July 2nd 2008*



*Randy Matis*

Fairfield Co. Zoning Dept.

Members Present: Richard Compton, Randy Matis, Phillip Lupa and Lee Wiesner

Also Present: Michael Fauerbach, Attorney for BOA