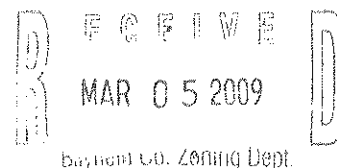


DECISION ON APPEAL  
BY BAYFIELD COUNTY BOARD OF ADJUSTMENT



Case #2  
February 26, 2009

**Timothy & Roxanne Truen** have filed a notice to appeal pursuant to WI Stats 59.694(4) & (7)(a), and Section 13-1-102(c) of the Bayfield County Zoning Ordinance. This appeal is in regards to a decision rendered by the Bayfield County Planning and Zoning Committee on October 16, 2008 which denied a permit request for short term rental accommodations.

The property is a 1.10-acre parcel (ID# 04-010-2-51-06-23-4-05-001-05000), located in part of Gov't Lot 1, Section 23, Township 51 N, Range 6 W, Town of Bell, Bayfield County, WI.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Applicants seek to appeal a decision by the Bayfield County Planning & Zoning Committee rendered on October 16, 2008 which denied a permit for short term rental accommodations.
2. This Board of Adjustment has power to hear the appeal, pursuant to §59.694(4) and (7a) Wis. Stats., and Sec. 13-1-102(c) of the Bayfield County Zoning Ordinance.
3. Sec. 13-1-102(c)(1) of the ordinance specifically provides that a person aggrieved by a decision of the Planning & Zoning Committee may request, and shall be granted, a public hearing before the Board of Adjustment.
4. The land in question is a 1.1 acre parcel with 57 feet of frontage on East Spirit Point Road and 149.68 feet of frontage on Lake Superior, based on the drawings and surveys that were made a part of Exhibit B-1.
5. The board has considered, in its entirety, all of Exhibit B-1 as well as Exhibits B-2 through B-9.
6. The immediately adjacent lots are of a similar size and the entire area is zoned R-1 and not RRB. Also, the adjacent lots are small with driveways quite close together.
7. Under the provisions of Sec. 13-1-41(a) the applicants first applied to the Town of Bell for a permit and were denied. This matter has been before the Town of Bell Board on at least three occasions and on each occasion the board has voted overwhelmingly to deny this permit.
8. The Planning & Zoning Committee, in its decision of October 16, 2008, also voted to deny the permit.
9. The Truens have made admirable attempts to have rules for the renters and attempt to screen them to get people that would not cause problems for the neighbors or disturb the neighborhood. Based upon the written materials and testimony of the neighbors it appears that for the most part those efforts have been unsuccessful.
10. In effect, there has been a trial run of the short term rental for which the permit is being sought because those rentals did occur during the past summer. The neighbors have indicated that they have been subjected to significant disturbances, including noise and late night partying. They are the people that were on the site because the applicants have not been on the site and the neighbors are the ones in the best position to know what was going on.

11. The applicants have now proposed a local agent or person that the neighbors could complain to, but as with some of the screening processes the board doubts that this is really going to solve the problem.
12. The board is very much aware that this is a permissible purpose or use in an R-1 zoning district. The board understands that in many parts of R-1 zoning districts this type of permit might be appropriate and would not cause the problems that it has in this particular area. However, due to the size and character of the lots in question, and due to the very commercial nature of this rental effort, it appears to the board that this is not a good R-1 area to have this type of short term rental.
13. In reaching this decision the board has considered all of the criteria in Sec. 13-1-41(4)(a) of the ordinance and its subparts. The board feels that some of the criteria are not particularly applicable to this particular site or at least would not be affected by a short term rental. However, in making its decision the board has specifically considered #10, the potential impact of the proposed use on other lands and land uses in the vicinity and the extent to which it would be compatible or incompatible therewith. The board finds that this potential use has not been, and is not likely to be, compatible with other uses in this area.
14. The board has also considered #12, the community or general welfare, and feels that while such rentals may provide some beneficial economic impact, overall this requested permit would not cause a general benefit to the community.

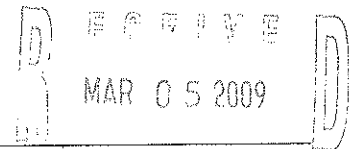
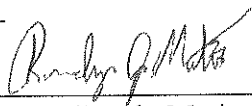
Decision: For all of the above reasons the decision of the Planning & Zoning Committee to deny the permit in this case is affirmed.

Motion made by Richard Compton, seconded by Phil Lupa, to affirm.

MOTION PASSED.

VOTE: Yes 4 No 0

Dated: March 3, 2009



Members Present: Richard Compton, Randy Matis, Phil Lupa, Jacqueline LaBelle

Also Present: Michael Fauerbach, Attorney for BOA