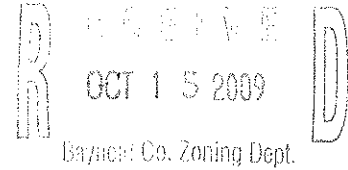


DECISION ON SPECIAL EXCEPTION
BY BAYFIELD COUNTY BOARD OF ADJUSTMENT

Case #1
October 1, 2009



Vince Beacom, owner and Tim Brown, agent are requesting a special exception from the terms of Section 13-1-22(b) of the Bayfield County Zoning Ordinance. This section requires:

(b) **Highway Setbacks.**

- (2) **Private Road Setbacks.** Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.

Applicants seek to construct a new 80' x 32' residence (2,315 sq ft); with deck (630 sq ft); porch (256 sq ft); and attached garage (1,440 sq ft). The new residence would be 28' from the centerline of Ponders Point Rd (private easement) instead of the 40' requirement.

Property is a 1.68-acre parcel (ID# 04-012-2-43-07-05-1-05-001-03000), described as Lots 1 & 2 of CSM # 367, Section 5, Township 43 N, Range 7 W, Town of Cable, Bayfield County, WI.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The applicants seek a special exception to construct a house 28' from the centerline of a private easement road, Ponders Point Road.
2. Sec. 13-1-22(b)(2) would normally require that the building be 40' from the centerline of the private easement road.
3. The size of the house planned was somewhat confusing but as it developed in the testimony it appears as though the plan is for a house with porch, decks and garage all totaling a 2,774 square foot footprint, the footprint being determined by the square footage inside the perimeter of the entire structure, including decks, porches, garages and other impervious surface, but not to include overhang.
4. Ponders Point Road cuts through the length of a narrow peninsula jutting out into Lake Owen.
5. There are other structures in this development area that are closer than 40' from the centerline of a road.
6. The lot width is relatively wide but there is not very much depth and there is an approximate 40' drop in elevation between the road and the water. According to Mr. Lobermeier there is an approximate 30% grade.
7. Tim Brown who is the builder and agent for Mr. Beacom indicated that if this special exception were allowed it would cause less environmental impact and better erosion control for a number of reasons, including less tree destruction and less excavation.
8. There has been no testimony or evidence at the hearing indicating objections from any of the neighbors.

9. Mr. Beacom and his builder, Mr. Brown, have both reviewed Mr. Lobermeier's mitigation plan from the Land Conservation Department and both are in agreement with it, and that the plan would be imposed as a condition of the special exception.
10. The board has considered the criteria for a special exception in Sec. 13-1-41(b) of the ordinance, and specifically (2) the prevention and control of water pollution including sedimentation; (3) existing topographic and drainage features; (5) erosion potential of the site; and (9) the prevention of overcrowding of a natural resource such as a lake.
11. The board feels that these considerations would be well served if this building were located closer to the road and that it would assist with erosion control and minimize disturbance of the site.

Decision:

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

1. All of the provisions in Mr. Lobermeier's mitigation plan dated September 29, 2009 will be complied with.
2. The building, including all decks, porches, garages, etc., shall not exceed a 2,774 square foot footprint, the footprint being determined by the square footage inside the perimeter of the entire structure, including decks, porches, garages and other impervious surface, but not to include overhang. The dimensions and location of the improvements will be in conformity with the drawings and plans contained in Exhibits A2 and A3.

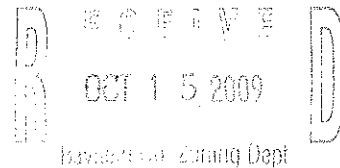
Motion made by Richard Compton, seconded by Lee Wiesner to grant the special exception with conditions.

MOTION PASSED

VOTE: Yes 4 No 0

Dated: OCT 7, 2009

Randy Matis



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

Also Present: Michael Fauerbach, Attorney for BOA