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DECISION ON SPECIAL EXCEPTIONS BY BAYFIELD COUNTY BOARD OF
ADJUSTMENT

Case 1

June 24, 2010

Dan and Cheryl Vitez 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 1-story residence (1,500 sq. ft) 30' from North property line and a 38' x 33' (1,250 sq. ft.) 2-story garage/bunkhouse 10' from West property line instead of the required 75' as required in Section 13-1-60(a).

Property is a 10-acre parcel (ID# 04-006-2-50-04-21-1-02-000-20000), located in the E1/2 of the W1/2 of the NW1/4 of the NE1/4, Section 21, Township 50 N, Range 4 W, Town of Bayfield, Bayfield County, WI.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Applicants seek two special exceptions for reduced setbacks from their north property line for a residence and from the west property line for a bunkhouse.
2. The property is a 10 acre parcel.
3. The reduced setback from the north property line for a 1,500 square foot house would be 30 feet. The reduced setback from the west property line for a bunkhouse/garage which would be a 1,250 square foot building would be 10 feet.
4. There are buildable areas farther south on the property but that would require crossing a stream and a deep ravine. The ravine is at least 30 feet deep and the crossing would require a 200 foot bridge.
5. The stream/ravine crossing would likely involve a permit for a permanent stream crossing and a grading permit if the stream permit could even be obtained.
6. Crossing of the stream/ravine would cause a significantly greater likelihood of adverse environmental consequences than the planned building site requested by the applicants.
7. The crossing of the stream/ravine would be much more expensive than the building sites proposed by the applicants.
8. DNR Water Specialist John Spangberg has been on the site and does not object to the building site proposed by the applicants.
9. The adjoining lands are not developed and the neighbors would not be adversely affected by the applicants' planned sites.
10. Mr. Vitez indicated that he would agree to a condition of not more than 500 feet of sleeping quarters within the bunkhouse/garage and no cooking facilities.
11. The board has considered all of the factors for the granting of a special exception in Sec. 13-1-41(B) of the Bayfield County Zoning Ordinance, particularly #3 regarding existing topographic and drainage features, #5 regarding the erosion potential of the site based

upon degree and direction of slope and soil type and #9 regarding prevention of overcrowding of a natural resource (here, a stream).

12. The board finds that the crossing of the stream/ravine is not a good option and, in fact, is a very bad option.

Decision:

For all of the above reasons the special exceptions are granted with the following conditions:

1. There will not be more than 500 square feet of sleeping quarters in the bunkhouse/garage.
2. There will be no cooking facilities in the bunkhouse/garage.
3. The applicants will be required to sign an affidavit in recordable form agreeing to the conditions.

Motion made by Phil Lupa, seconded by Frank Kostka to grant the special exceptions.


MOTION PASSED

VOTE: Yes 4 No 0

Dated: JUNE 30, 2010

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Members Present: Frank Kostka, Philip Lupa, Lee Wiesner and Randy Matis. Also Present: Michael Fauerbach, Attorney for BOA