

R E C E I V E D
SEP 06 2011

Bayfield Co. Zoning Dept.
OF

DECISION ON SPECIAL EXCEPTION BY BAYFIELD COUNTY BOARD OF
ADJUSTMENT

Case 1
August 25, 2011

Lowell & Sonja Noteboom 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 (10' 6" x 20' = 212 sq. ft.) residential addition to an existing attached garage 45' from the West Lot line instead of the required 75' as stated in Section 13-1-60(a). This structure was part of a variance (Case #737, April 25, 1996) granted to construct a residence with attached garage 58' from the West lot line.

The property is a 6.67-acre parcel (ID# 04-008-2-50-04-32-4-01-000-30000), located in part of the NE ¼ of the SE 1/4, in V. 639 P. 312, less Par in V. 357 P. 388, Section 32, Township 50 N, Range 4 W, Town of Bayview, Bayfield County, WI.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Applicants seek a special exception pursuant to Sec. 13-1-22(j) to construct a one story addition to a garage 45 ft. from the west lot line.
2. Pursuant to Sec. 13-1-60(a) the normal setback would be 75 ft.
3. The applicants seek to add on to a residential structure that was constructed pursuant to a variance in 1996, 58 ft. from the west lot line.
4. Under the present Bayfield County zoning ordinance, a variance would not have been needed for the original structure. Relief from a setback requirement of this nature is now available pursuant to Sec. 13-1-22(j) as a special exception.
5. The applicants wish to attach this garage or storage area to the existing structure but if they want to construct it as a freestanding structure they would be able to do so in a different location with only a 30 ft., setback from the west lot line.
6. The Town Board of the Town of Bayview has recommended approval of this special exception and has reviewed it for compatibility with their comprehensive plan.

7. Doug Casina from the Zoning & Planning Department testified as follows:
 - A. Surrounding properties are zoned F-1. This is a low density area.
 - B. The property has a significant slope of 10 to 12 degrees on fairly stable soils.
 - C. The property does have other locations where a garage / storage building could be built, but the area is wooded and the clearing of land would be required at the other sites.
 - D. This clearing would be problematic for a downhill neighbor due to erosion and drainage patterns.
8. The board has considered all of the testimony and evidence, including Exhibit A-1.
9. The board has also considered the fact that the proposed area for the storage / garage area would not require substantial earth moving.
10. Mr. Noteboom testified that his neighbors are supportive of this project and the board has received no written objection from any neighbor.
11. The board has considered all the criteria for a special exception as contained in Sec. 13-1-41(4) of the Bayfield County ordinance. The board has considered the following criteria most applicable from that part of the ordinance:
 - A. The prevention and control of water pollution and sedimentation.
 - B. Existing topographic and drainage features of the site.
 - C. Erosion potential of the site based upon degree and direction of slope.
 - D. The potential impact of the proposed use on other lands, including the downhill neighbor.
 - E. The extent to which the proposed use would be compatible with the land use plan. The board notes that the recommendation of the Town Board seemed to indicate that it would be compatible.
 - F. The board has also considered the community and general welfare.
12. The board feels that the above criteria have been met and that the special exception should be granted because of the following facts:
 - A. The proposed site offers the best prospect for minimizing erosion and other drainage problems.
 - B. There are different locations that would be available without a special exception but they would require clearing of trees and other activities that would be counterproductive from an erosion and drainage standpoint.
 - C. The board also notes that in some of the other locations an additional driveway would be required which would also pose erosion and drainage issues.

Decision:

For all of the above reasons the request for the special exception is granted with the condition that the addition to the garage be used for storage only and not for human habitation.

Motion made by Phil Lupa, seconded by Randy Matis to approve the special exception.

MOTION PASSED

VOTE: Yes 5 No 0

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Dated: August 31, 2011

Bayfield Co. Zoning Dept.

Randy Matis

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

Also Present: Michael Fauerbach, Attorney for BOA