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BOARD OF ADJUSTMENT PUBLIC HEARING
JUNE 29, 2006
COUNTY BOARD ROOM, BAYFIELD COUNTY COURTHOUSE
WASHBURN, WISCONSIN

Notice is hereby given that a public hearing will be held on **Thursday, June 29, 2006** at 9:00 a.m. in the County Board Room of the Bayfield County Courthouse, Washburn Wisconsin relative to the following item(s):

Richard Zbien, owner and Joseph Chaudoin, agent are seeking a **variance** from the terms of Section 13-1-29(c)(2) and Section 13-1-62(a) of the Bayfield County Zoning Ordinance. Section 13-1-29(c)(2) states: For developments not providing shoreline access there shall be 30,000 square feet of open space for each unit, except hotels and motels, provided that if the development is within an unincorporated village overlay district, such open space requirement may be reduced to 5,000 square feet per unit if adequate public open space areas are available elsewhere, offsite, within the district, and provided further that if the development is to be served by a public sewer system, such open space requirement may be reduced to 15,000 square feet per unit. Except that such reduction shall not apply within the Town of Bayfield. Section 13-1-62(a) prohibits (dwelling, multiple unit, condominium) in a commercial zone.

Applicants wish to construct four structures with two units in each along with another structure consisting of eight garages. The ordinance requires 40,000 sq. ft of open space plus the 7,680 sq. ft building footprint. The existing parcel is 28,880 sq. ft minus the building footprint, leaving 21,200 sq. ft of open space. Applicants also seek to locate these structures in a commercial zone.

The parcel is described as a .663-acre parcel (ID# 010-1100-04), located in Lot 1-10, Block 4, Village of Cornucopia, Section 34, Township 51 N, Range 6 West, Town of Bell, Bayfield County, WI.

Brickyard Creek III LLC is requesting a **variance** from the terms of Section 13-1-32(b)(1) of the Bayfield County Zoning Ordinance. This section requires Class 1 lake lots to have 30,000 sq. ft lot size, 150 ft. lot width, 200 ft. lot depth, 75' shoreline setback, 50 ft shoreline vegetation protection area, and 10' min / 40' side yard setbacks.

Applicant wishes to create a county plat consisting of 5 lots, one lot to have only 131.62 ft. of frontage. The property is a 8.77-acre parcel (ID# 046-1086-03 thru 046-1086-05) located in Gov't Lot 4, Section 31, Township 51 N, Range 3 W, Town of Russell, Bayfield County, WI.

Plum Creek Timberlands, Inc., owner and Richard Forsythe, Mathy Construction Co., agent are requesting a **variance** from the terms of Section 13-1-62(a) of the Bayfield County Zoning Ordinance. This section prohibits placement of (asphalt and asphalt products, processing) and (cement & concrete products mfg., sales, storage) in a Forestry-2 zoning district.

Applicant wishes to locate a temporary hot mix asphalt plant and a ready-mix concrete plant on this parcel of land. The property is a 40-acre parcel (ID# 004-1132-01) described as the SE ¼ of the NE ¼, Section 21, Township 44 N, Range 9 W, Town of Barnes, Bayfield County, WI.

Arthur & Joann Schultz are requesting a **variance** from the terms of Section 13-1-40(c)(4)c. This section states: *Additional Requirements for Nonconforming Buildings and Structures on Shoreland Lots*. Except as otherwise provided in paragraphs (4a) and (4b), nonconforming buildings and structures on inland lake lots shall be subject to paragraphs (c)(2) and (3) of this Section, and in addition thereto, principal buildings and structures on such lots of six hundred (600) square feet of enclosed dwelling space or larger shall be subject to the following provisions of this paragraph:

- c. With respect to such structures located forty (40) or more feet but less than seventy-five (75) feet from the ordinary high water mark.
 1. The resulting structure shall not exceed twenty-six (26) feet in height, as defined in Section 13-1-22(h).
 2. The addition shall be within the existing footprint or landward thereof and shall not increase the existing footprint by more than fifty percent (50%) nor increase the resulting footprint (of the existing structure and addition combined) beyond one thousand five hundred (1,500) square feet (but this provision does not prohibit an addition to a structure whose existing footprint is more than one thousand five hundred (1,500) square feet if the addition does not increase the footprint);
 3. The resulting structure shall not exceed one thousand nine hundred (1,900) square feet of roof overhang (measured in a horizontal plane);
 4. The resulting structure shall not exceed two thousand five hundred (2,500) feet of enclosed dwelling space (measured for all stories excluding the basement);
 5. No new or raised basement for the existing structure or any attached accessory structure shall be permitted, though a basement may be constructed under a permitted lateral addition; and
 6. Any expansion or exterior improvement shall require a land use permit, and the mitigation requirements of paragraph (5) shall apply.

Applicants wish to be granted a second variance to allow a 288 sq. ft. addition, which is beyond the 1,500 square footprint and 1,900 sq. ft. roof overhang. The applicants were granted a variance (# 616) in June of 1992 to their 1200 sq. ft existing structure. They applied for a 24' x 30' (720 sq. ft) addition 58' from a lagoon of Lake Namakagon. This brought their structure to an overall footprint total of 1,920 sq. ft.

Their property is a 0.70-acre parcel (ID# 034-1047-10) described as Gov't Lot 6, Section 4, Township 43 N. Range 6 W, Town of Namakagon, Bayfield County, WI.

Status Report: Discussion of any court decisions for cases under review since the last meeting of the Board. (i.e. **Bourassa, Save Our Lakes-Ecton**)

The Board of Adjustment agenda shall be as follows:

9:00 a.m.	Call to Order
9:00 – 9:15 a.m.	Review of materials contained in files of the above cases
9:15 a.m.	Acceptance of oral or written testimony from interested parties

Upon exhaustion of public input, notice is served that the Board of Adjustment pursuant to Section 19.85 (1)(a) Wisconsin Statutes may convene in closed session to deliberate on one or more of the above cases. Following any such deliberation, the Board will reconvene in open session to render and announce their decisions.

STEPHEN W. COLLINS, CHAIRMAN, BAYFIELD COUNTY BOARD OF ADJUSTMENT

Note: Any person aggrieved by any decision of the Board of Adjustment, or a taxpayer, or any officer, department, board or bureau of the municipality, may within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by writ of certiorari.