

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

This meeting may have members participating via tele or web conferencing. Public participants can listen to the proceedings by utilizing a computer or smart phone and using the link <https://us02web.zoom.us/j/82975614966> or by calling 1 (877) 853-5247 (Toll Free) and entering Webinar ID: 829 7561 4966 as opposed to being present for the meeting. Limited seating will be available at the meeting and guests are asked to keep a six-foot distance from one another.

NOTICE OF SPECIAL PLAN COMMISSION MEETING

DATE: Friday, October 9, 2020

TIME: 8:00A.M

PLACE: Washburn City Hall

AGENDA:

- Call to Order/Roll Call
- Approval of Minutes of August 20th Meeting
- Discussion & Action on Special Exception Request to Place Garage in Front Yard, 881 Jackson Rd. – Seth Bichler & Katy Frederickson Petitioners.
- Adjourn

August 20, 2020

CITY OF WASHBURN PLAN COMMISSION MEETING

5:30pm Washburn City Hall & Remote Video Conferencing

COMMISSION MEMBERS: John Gray, Leo Ketchum-Fish, Mary Motiff, Britt Serrine, Adeline Swiston, John Baregi

ABSENT: Dave Anderson

MUNICIPAL PERSONNEL: Scott Kløver City Administrator, Tammy DeMars City Treasurer/Deputy Clerk

Meeting called to order at 5:30PM by Motiff attendance as recorded.

Approval of Minutes – July 16, 2020 – Moved by Swiston to approve the minutes of July 16, 2020 second by Serrine. Motion carried unanimously.

Public Hearing – Discussion and Recommendation on Conditional Use Application for a Tourist Rooming House at 215 West 4th Street – Rebecca Wygonik, Petitioner

Motion by Swiston to open the floor to the public hearing, second by Ketchum-Fish. Motion carried unanimously.

Paula Jung, 211 W. 4th Street, Washburn, only concern is parking as 4th Street already has a parking problem and wasn't sure that there would be room for more than two cars in the back.

Petitioner Rebecca Wygonik, stated there is enough room for three cars and they will be having more gravel brought in to widen the parking area, they have also already contracted out for snow removal.

Moved by Ketchum-fish, second by Serrine to close floor. Motion carried unanimously.

Ms. Wygonik, addressed the Commission, she is planning on living at the residence and the tourist rooming house will help her to make the payments. She has addressed the factors used for consideration in section 7-55; The parcel is on .11 acres. The property is compatible with its current use as a single-family dwelling. The property will operate as a tourist rooming house within the same area of its current use as a primary residence. Guest will not affect any traffic safety or add to traffic congestion due to the adequate off-street parking located on the property. The proposed use is well suited for and will be marketed to small families. The proposed use will not affect the natural environment beyond existing normal residential use. All guests will adhere to strict house policies in accordance with city statutes and ordinance and the proposed use will not affect or be averse to anything mentioned in section (8) or (9)

Moved by Ketchum-Fish to recommend approval of the conditional use permit application of Rebecca Wygonik for a tourist rooming house at 214 W. 4th Street, he also notes that the parking area in the rear of the house as shown in the drawing would be adequate for the three parking spaces required for the three bedrooms, second by Baregi. Motion carried unanimously.

Discussion and Action on Request to Enlarge a Nonconforming Garage, 424 Hillside Drive – Darryl Fenner Petitioner – Mr. Fenner addressed the Commission, he would like to expand his existing garage to give him more space for storage of various items. The Plan Commission reviewed Section 7-434; The existing nonconformity is only that he has more than one garage, the size and configuration of the lot would work well with the expansion, the lot conforms to all other standards of the zoning district, the size and location of the nonconforming building is not an issue, all other existing structures are reasonably anticipated on the lot, the proposed expansion has no impact on adjoining properties, the expansion would not violate the intent of this chapter, and there are no other factors that relates to the purposes of this chapter.

Moved by Ketchum-Fish to approve the request to enlarge the nonconforming garage at 424 Hillside Drive, as outlined in the application of Mr Fenner, second by Gray. Motion carried unanimously.

Continued Discussion on Accessory Structures and Considerations for Agricultural Use – Ketchum-Fish will try to put something in writing on this for the next meeting. What he is hoping to address is the number of structures allowed on larger lots.

Adjourn – Motiff adjourn the meeting at 6:10pm

Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk

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119 Washington Avenue
P.O. Box 638
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715-373-6160
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To: Honorable Mayor and Plan Commission Members
From: Tammy DeMars, Deputy Zoning Administrator
Re: Garage Placement
Date: October 7, 2020

Seth Bichler & Katy Frederickson have applied for a permit to construct a 24' x 32' garage. This property, in R-1 Zoning District located at 881 Jackson Road currently has a house with no other accessory structures, the proposed placement of the garage would be partially in the front yard.

Article 8, Section 8-75 outlines the placement of accessory buildings on a lot; reads in part, except as allowed in this section a detached accessory building shall be located behind the most recessed portion of the front of the principal building. It also goes on to say that pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow an accessory building in front of the principal building. In making such decision, the Plan Commission shall consider (1) the size of subject property, (2) the character of the area, (3) the size of the accessory building, (4) the extent to which the proposed accessory building is visible from public and private streets and other properties in the area, and (5) other factors related to relevant circumstances.

7-154 Outlines the factors that the Plan Commission should consider when making their decision.

- 1) The size of the property in comparison to other properties in the area – *Property is 5 acres and is in the rural residential and is comparable to other properties*
- 2) The extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter; *this request is not unreasonable*
- 3) Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception; *owners well is located to the rear of the proposed garage*
- 4) The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted; *no known impact*
- 5) The nature and extent of anticipated positive and negative effects on properties in the area; *no known negative effects, positive would be less trees would need to be removed*
- 6) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception; *no negative effects*
- 7) A factor specifically listed under a section of this chapter authorizing the issuance of a special exception;

Article 8, Section 8-75 and

8) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

All other dimensional standard for the proposed garage has been meet and I would have no objection to approval of this exception.

To: The Washburn City Plan Commission

Re: Petition for Special Exception for Garage at 881 Jackson Rd., Washburn, WI 54891

From: Property Owners Seth Bichler & Katy Frederickson

Date: October 7, 2020

Purpose: We are applying for a special exception to Article 8-75 of the Washburn zoning code.¹ Article 8-75 requires that a detached accessory building be located behind the front face of the principal building.

Article 8-75: Article 8-75 also provides that “the Plan Commission may approve a special exception to allow an accessory building in front of the principal building.” The Plan Commission is directed to look at five considerations when deciding whether to approve a placement of an accessory building in front of the principal building. The considerations are listed below in bold type and the application of our property to the consideration follows in standard font.

1. **The size of the subject property;** Our lot is five acres. The garage would be over 200 feet from the road at its closest point and over 130 feet from our closest neighbor’s property line.
2. **The character of the area;** The neighborhood is a beautiful forested area on top of a hill on the edge of the city limits. Oak, white and red pine, aspen, and even a few cedars and hemlocks provide a great deal of privacy and largely screen our house from the road and our neighbors’ dwellings. We chose the proposed location for the garage precisely because this would enable us to avoid cutting down any mature trees, although some trimming of branches is necessary. The special exception would help maintain the character of the area, if the garage is pushed further back or to the side it would conform with the code but would require the permanent loss of between 10 and 25 mature trees. Without a special exception we will likely place the garage closer to the Washburn School forest, our most immediate neighbor to the north. The character of the neighborhood would be largely unchanged with the location of the

¹ Article 8-75 may be found on page 149 of the pdf document located at:
http://www.cityofwashburn.org/uploads/7/0/4/7/70473445/zoning_code_revised_082520.pdf

proposed garage. Many of the neighboring properties have garages that were built before the new ordinance was in place and are a predominant feature when viewing the property from the street.

3. **The size of the accessory building.** The size of the proposed garage would be only 24' wide by 32' deep, for a total of 768 sq. feet. This is a modest, one-story, 2-car garage with a small amount of extra storage.
4. **The extent to which the proposed accessory building is visible from public and private streets and other properties in the area:** The garage will be visible from Jackson Rd. However, given the downward slope of our driveway to the proposed garage location, and significant tree cover, it is most visible if someone is standing directly in front of our driveway. It will be visible to our closest neighbor although less so than if we need to remove mature trees and place it closer to their property line.
5. **Other factors related to the relevant circumstances:** Our proposed location would place the closest wall of the garage just over 30' from our wellhead. We would prefer to maintain a modest distance between the garage and the wellhead as this is our only source of drinking water because this neighborhood is not served by the water utility.

Article 7-154 Basis of Decision: Article 7 of the Washburn City Zoning Code provides an 8 factor test for the Plan Commission to follow when considering a special exception in Article 7-154.² We have listed the eight factors below in bold font with the application of our property to the factor following each one in regular font.

1. **The size of the property in comparison to other properties in the area;** Our lot is 5 acres, which is actually smaller than the parcels immediately adjacent to us. The parcel immediately to our west, 919 Jackson Rd, is 5.55 acres, according to the Bayfield County GIS mapping tool available online.³ The parcel immediately to the east, 877 Jackson Rd., is 10.04 acres. To the north is the Washburn school forest which, although outside of the City of Washburn and possibly irrelevant here, is 40

² Article 7-154 of the Washburn City Zoning code may be found on page 94 of the pdf document located at: http://www.cityofwashburn.org/uploads/7/0/4/7/70473445/zoning_code_revised_082520.pdf

³ The Bayfield County mapping tool may be found at: <https://maps.bayfieldcounty.org/BayfieldWAB/>

acres. To the south across Jackson Rd. our closest neighbor is an unimproved forested lot of 8.98 acres on the inside corner of Jackson Rd. and 10th Ave.

- 2. The extent to which the issuance of the special exception permit would be in keeping with the overall intent of the this chapter;** A special exception here would enable us to have a garage, which all of our neighbors have, without removing any mature trees. This neighborhood is entirely forested so here the special exception would serve to support the existing character of the neighborhood. We are nature lovers and so have every intention of keeping as many of our trees as is possible. We are also year-round residents who will need to commute to work on a daily basis, so a garage would enable us to protect our vehicles needed for our employment.
- 3. Whether there are any unique circumstance and the nature of those circumstances that warrant issuance of the special exception;** The house was constructed in 2008, before the current zoning code was put in place and before we owned the property. If we could go back in time and place the well further to the north or place the house further south to avoid this problem we absolutely would. There is no practicable way to move a well, so denial of this special exception would likely lead to the loss of mature trees.
- 4. The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted;** As stated above, the effects of a special exception on nature in this instance would be entirely positive. We picked this location so we could save all of our trees but still have a garage! If the variance is not approved and the location of the garage must change, it would also necessitate increased fill due to the significant slope and soft forest floor of leaves and pine needles. Conversely, the proposed garage location is located on the already existing driveway so minimal fill is needed.
- 5. The nature and extent anticipated positive and negative effects on properties in the area;** An addition of a new garage will add to the property values of the area while keeping the appearance largely the same. Few people drive on Jackson Rd., mostly just our neighbors. The lot is not visible from any other streets due to the heavy tree cover. We have retained the two local builders who built the house, Joe Sharp and Jeff Dibbell, to construct the garage partially to ensure that the look of the

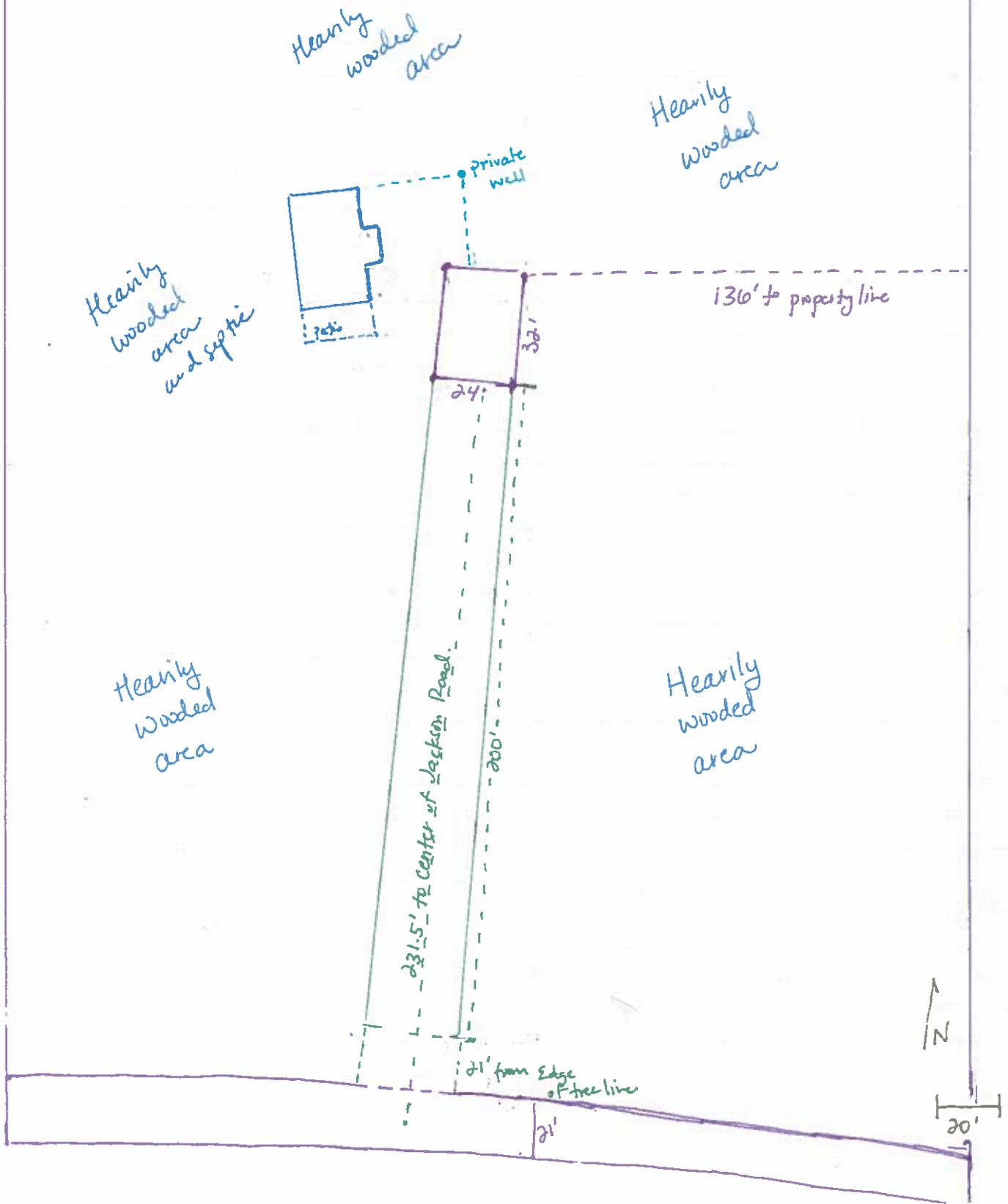
garage matches the house. If a variance is granted, the residential garage could be built in a location further away from property lines, with heavy tree cover allowing for limited impact on the neighboring property.

6. **Actions the applicant will undertake to mitigate the negative effects, if any, of the propose special exception;** We do not believe that there will be any negative effects from this special exception. That said, we are willing to hear ideas of what we can do to mitigate any effects identified by the Plan Commission.
7. **A factor specifically listed under a section of this chapter authorizing the issuance of a special exception;** Article 8-75 specifically contemplates the possibility of an accessory building being allowed in front of a principal building with the approval of the Plan Commission via a special exception, please see the analysis above.
8. **Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law;** Article 1-5(b)(4), under “special purposes” states that “this chapter is intended to . . . encourage the protection of groundwater resources.” Both by ensuring that our wellhead area is protected and by maintaining the tree coverage on our lot, this special exception would support the protection of groundwater resources. Denial of the special exception, conversely, will lead to the construction of a garage where mature trees are currently living and filtering the water that eventually goes down into the aquifer.

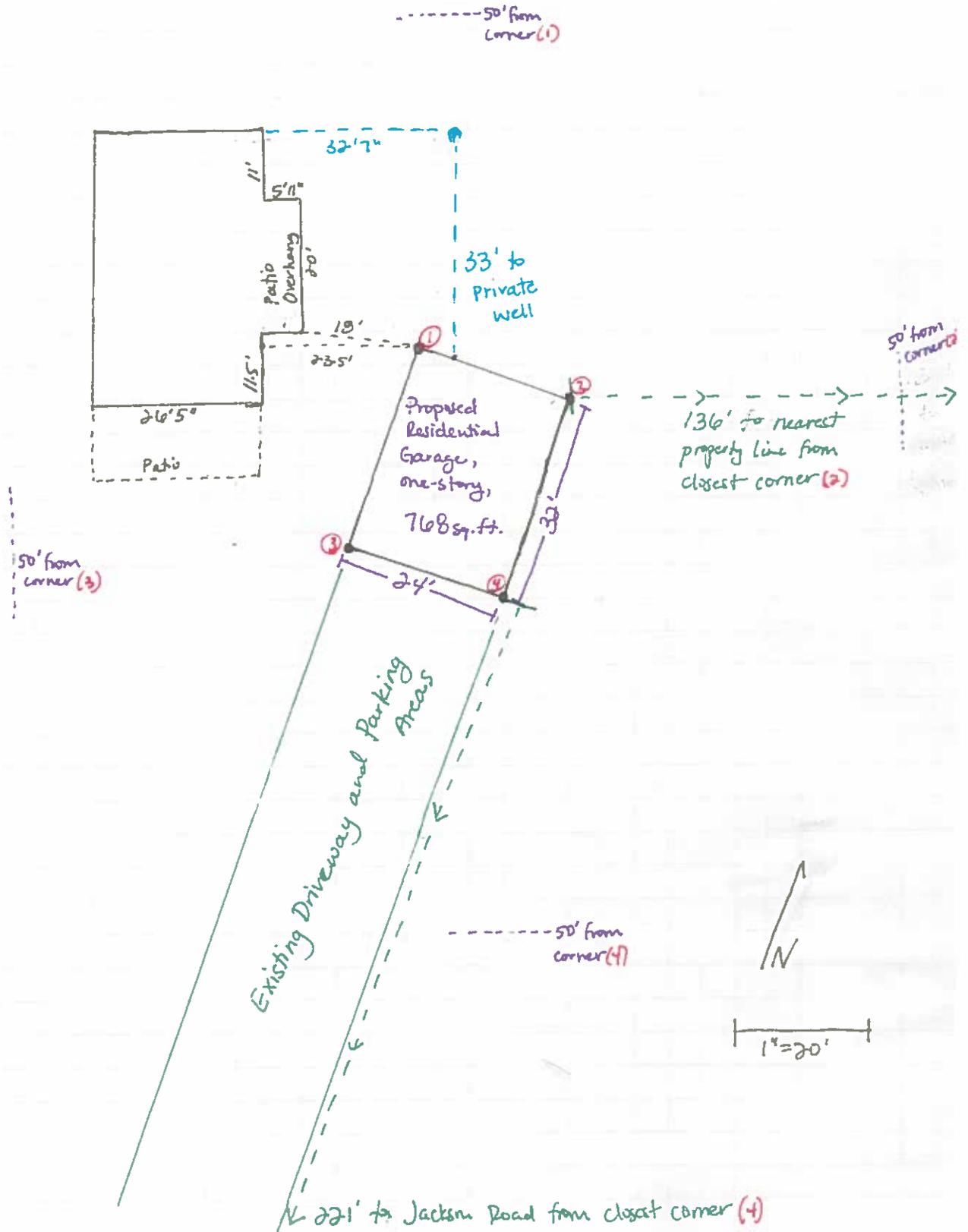
Conclusion

Thank you for your prompt consideration of our request for a special exception on such short notice. We are really thrilled to have relocated to Washburn, and we look forward to making our home here for many years to come. With everything going on in the world today, we realize that our request may seem small and unimportant, but as lifelong Midwesterners we know and appreciate the value of a good garage for the upcoming season. We would really hate for our need for comfort to lead to any degradation of the natural environment around us, which was why initially decided to place the garage where the current driveway sits, to avoid impacts to the lovely forest habitat all around us.

981 Jackson Road
Proposed Residential Garage
Property Map



881 Jackson Road
Proposed Residential Garage
Site Map



CITY OF
WASHBURN
WISCONSIN

CONSTRUCTION PERMIT APPLICATION

Permit Request: Remodeling Windows Doors Roofing Siding Planting/PWC
New Construction Deck Fence Flat Work Electrical Other

Complete the following with name, address, (house # and mailing address) & telephone

Owner Seth Bichler & Katy Frederickson 881 Jackson Rd. E-Mail Seth.Bichler@gmail.com
 Construction Contractor Jeff Dinkel Washburn, WI Phone 715-573-0618
 Address _____ License # 1142578
 Excavation Contractor John Cook Phone 715-373-2793
 Address _____ License # _____

Owner is ultimately responsible for all code compliance related to the work for which this permit is issued.

PROJECT INFORMATION

Site Address 881 Jackson Rd. Pin# 04-291-2-49-04-31-1 01-000-20000
 RE Tax ID # 32452 Zoning District G1-Residential Lot Area 5 acres

Description of work New 2-car garage. Work to include concrete slab, garage build/siding, roofing, windows, doors

Estimated Project Cost _____

NEW CONSTRUCTION Building Height _____ <input checked="" type="checkbox"/> 1-story <input type="checkbox"/> Other _____ <input type="checkbox"/> 2-story <input type="checkbox"/> Basement	Area Involved Basement _____ sq ft Living Area _____ sq ft Garage <u>768</u> sq ft Total _____ sq ft	Water & Sewer: Water <input type="checkbox"/> Municipal or <input type="checkbox"/> Private Well Sewer <input type="checkbox"/> Municipal or <input type="checkbox"/> Septic Permit Numbers _____
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Additional permits that may not be covered by this application: Driveways, Sewer, Water, Demolition, Sidewalks

I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the State of Wisconsin or the City of Washburn; and certify that all of the above information is accurate. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side of this application form.

[Signature]
 Applicant Signature

10-1-2020
 Date

CONDITIONS OF APPROVAL This permit is issued pursuant to the following conditions. Failure to comply with these conditions may result in suspension or revocation of this permit or other penalty.

See Attached Condition Letter

NOTES	FEES (per Title 15 Municipal Code)		PERMIT ISSUED BY: _____ DATE ISSUED _____ PERMIT NO. _____
	<input type="checkbox"/> Remodeling <input type="checkbox"/> New Construction <input type="checkbox"/> Fence <input type="checkbox"/> Flat Work <input type="checkbox"/> Siding <input type="checkbox"/> Roofing <input type="checkbox"/> Driveway	<input type="checkbox"/> Demolition <input type="checkbox"/> Deck <input type="checkbox"/> Shelter <input checked="" type="checkbox"/> <u>garage</u> <input type="checkbox"/> Early Start TOTAL _____	

Tammy Demars

From: Tammy Demars <tdemars@cityofwashburn.org>
Sent: Friday, October 02, 2020 8:06 AM
To: 'Seth Bichler'
Subject: RE: 881 Jackson Rd. Bldg permit app

Seth,

The Zoning code does not allow a garage to be in the front yard, you will need to move it further back so it would be in the side yard.

If you are willing to you could move the garage back into the side yard and resubmit the drawing.

Any questions let me know.

Tammy L. DeMars

City Treasurer/Deputy Clerk
City of Washburn
119 Washington Ave.
PO Box 638
Washburn, WI 54891
tdemars@cityofwashburn.org
(715) 373-6160 Ext. 3

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The City of Washburn is an equal opportunity provider, employer, and lender.

From: Seth Bichler <sethbichler@gmail.com>
Sent: Thursday, October 01, 2020 4:08 PM
To: tdemars@cityofwashburn.org
Subject: 881 Jackson Rd. Bldg permit app

Tammy,

We spoke on the phone earlier today. I filled out the application and created a drawing of the planned new garage relative to the existing house, driveway, and closest property boundary. The lot is 5 acres so my understanding is that there is more than enough room for the setbacks. The other boundaries are all further away than the one shown there. The only easement I am aware of is for Jackson Road on the southern boundary of our property. Please let me

know if you need any more information or if you need me to bring in a copy, I can do that tomorrow. The documents are attached to this email.

Thanks!

Seth Bichler
881 Jackson Rd.
Washburn, WI 54891
715-573-0618

Tammy Demars

From: Seth Bichler <sethbichler@gmail.com>
Sent: Thursday, October 01, 2020 5:20 PM
To: tdemars@cityofwashburn.org
Subject: Re: 881 Jackson Rd. Bldg permit app

A couple more things: the garage will be 13' tall and the siding will be lp smart board that will be red to match the house.

-Seth

> On Oct 1, 2020, at 4:07 PM, Seth Bichler <sethbichler@gmail.com> wrote:

>

>

> Tammy,

>

> We spoke on the phone earlier today. I filled out the application and created a drawing of the planned new garage relative to the existing house, driveway, and closest property boundary. The lot is 5 acres so my understanding is that there is more than enough room for the setbacks. The other boundaries are all further away than the one shown there. The only easement I am aware of is for Jackson Road on the southern boundary of our property. Please let me know if you need any more information or if you need me to bring in a copy, I can do that tomorrow. The documents are attached to this email.

>

> Thanks!

>

> Seth Bichler

> 881 Jackson Rd.

> Washburn, WI 54891

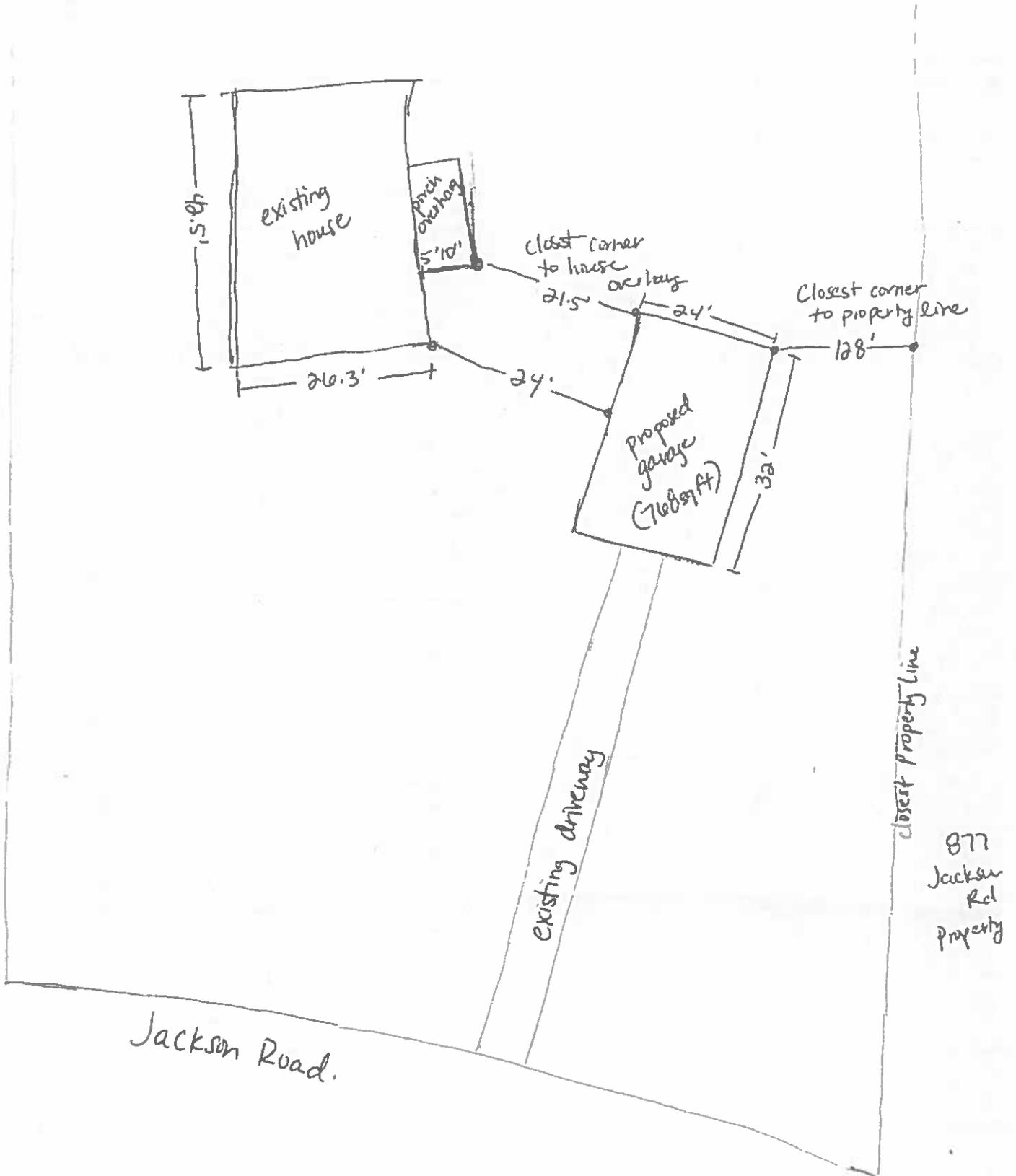
> 715-573-0618

> <Garage building permit application.pdf> <garage sketch for

> permit.pdf>

PIN: 04-291-2-49-04-31-1

01-000-20000



877
Jackson
Rd
Property

CITY OF WASHBURN

PO BOX 638

WASHBURN, WI 54891

Receipt Nbr: 30346

Date: 10/02/2020

Check

RECEIVED
FROM

SETH BICHLER

\$410.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	ZONING PERMITS Special Plan and Special Exception Fee	410.00

TOTAL RECEIVED		410.00
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Receipt Memo: Special Plan Comm Meeting and Sec Expt F

- (8) other information the Plan Commission or administrator deems appropriate,
- (9) the signature of the zoning administrator on behalf of the Plan Commission or Common Council on appeal, and
- (10) the date of the decision.

(b) **Denial.** If the application for a special exception is denied, the decision document shall include the following:

- (1) a statement that the application is denied,
- (2) a description of the special exception,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the Plan Commission or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the Plan Commission or the Common Council on appeal, and
- (8) the date of the decision.

7-139 Effect of approval

An approval of an architectural plan shall run with the land and is binding on all subsequent property owners.

7-140 Expiration of an approval

An approval of an architectural plan shall automatically expire 12 months after the date of issuance unless substantial work has commenced and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-141 Amendment of an approval

Following approval of an architectural plan, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-142 to 7-150 Reserved

**DIVISION 8
SPECIAL EXCEPTION**

Sections

7-151	Generally	7-157	Application form and content
7-152	Initiation	7-158	Staff report content
7-153	Review procedure	7-159	Content of decision document
7-154	Basis of decision	7-160	Effect of approval
7-155	Imposition of conditions	7-161	Expiration of an approval
7-156	Limitations on issuing a special exception		

7-151 Generally

Upon written petition, the Common Council may, on a case-by-case basis, grant a special exception for those development standards specifically noted as special exceptions in this chapter.

7-152 Initiation

The owner of the subject property may submit an application for a special exception.

7-153 Review procedure

The general steps outlined below shall be used in the review of a special exception application.

- (1) **Submittal of application materials.** The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Staff review.** Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.
- (3) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator shall also provide a copy to interested people upon request.
- (4) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.
- (5) **Meeting.** Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.
- (6) **Recommendation.** The Plan Commission shall make a recommendation to the Common Council based on the decision criteria in this division to (i) approve the special exception, (ii) approve the special exception with conditions, or (iii) deny the special exception. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the public meeting unless the applicant agrees to an extension of a specified duration.
- (7) **Transmittal of recommendation.** If the Plan Commission recommendation is favorable, the zoning administrator shall prepare a draft decision document effectuating its determination. If the Plan Commission recommendation is not favorable, the Plan Commission shall report its determination to the Common Council including its reasons for denial.
- (8) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.
- (9) **Common Council meeting.** Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.
- (10) **Decision.** After considering all of the information submitted by the applicant, the staff report, and the Plan Commission's recommendation, the Common Council shall make a decision based on the decision criteria contained in this division to (i) approve the special exception, (ii) approve the special exception with conditions, or (iii) deny the special exception.
- (11) **Preparation of final decision document.** Based on the action of the Common Council, the zoning administrator shall prepare a final decision document consistent with this division.
- (12) **Applicant notification.** Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.
- (13) **Acceptance by property owner.** If the application is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the

Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(14) **Public record copy.** A duplicate copy of the decision document shall be retained as a public record.

7-154 Basis of decision

The Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) the size of the property in comparison to other properties in the area;
- (2) the extent to which the issuance of the special exception permit would be in keeping with the overall intent of the this chapter;
- (3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception;
- (4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted;
- (5) the nature and extent of anticipated positive and negative effects on properties in the area;
- (6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;
- (7) a factor specifically listed under a section of this chapter authorizing the issuance of a special exception; and
- (8) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-155 Imposition of conditions

(a) **Generally.** In approving a special exception, the Common Council may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.

(b) **Effect on contracts with another party.** The Common Council shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.¹¹

7-156 Limitations on issuing a special exception

A special exception shall only be approved in those instances where issuance is specifically authorized in this chapter.

7-157 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix A.

7-158 Staff report content

The staff report shall contain the following:

- (1) a description of the requested special exception;
- (2) preliminary findings for the decision criteria listed in this division;
- (3) a recommendation to approve the application, approve the application with conditions, or deny the application;
- (4) a preliminary list of conditions whether the staff recommendation is for approval or denial; and

¹¹ Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

- (5) other information deemed necessary.

7-159 Content of decision document

(a) **Approval.** If the application for a special exception is approved, the decision document shall include the following:

- (1) a statement that the application is approved,
- (2) a description of the special exception,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) conditions of approval, if any,
- (5) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,
- (6) a statement that the applicant may appeal the decision to a court of competent jurisdiction,
- (7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,
- (8) other information the Common Council or zoning administrator deems appropriate,
- (9) the signature of the zoning administrator on behalf of the Common Council, and
- (10) the date of the decision.

(b) **Denial.** If the application for a special exception is denied, the decision document shall include the following:

- (1) a statement that the application is denied,
- (2) a description of the special exception,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the Common Council or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the Common Council, and
- (8) the date of the decision.

7-160 Effect of approval

If a special exception is approved, such approval shall run with the land and is binding on all subsequent property owners.

7-161 Expiration of an approval

An approval for a special exception shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-162 to 7-170 Reserved

(b) **Rural accessory buildings.** Pursuant to the procedures and requirements contained in Article 7 of this chapter, the Plan Commission may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.

8-73 Separation requirements for on-site sewage systems and water wells

On-site sewage systems, if allowed, and water wells, if allowed, shall comply with all separation requirements as may be established by the City of Washburn, Bayfield County, or the state of Wisconsin.

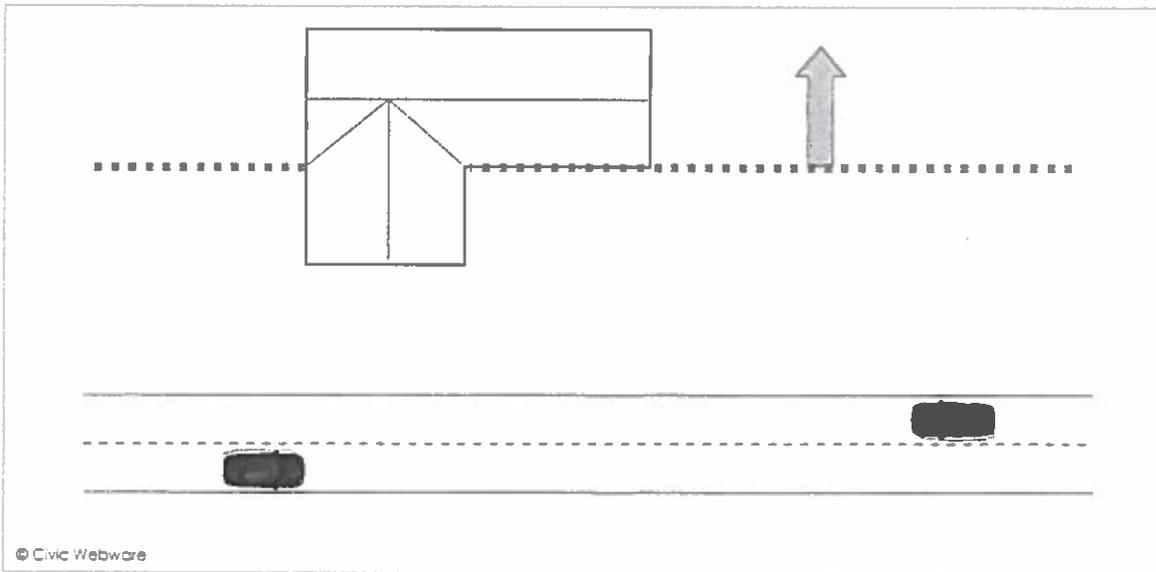
8-74 Separation requirements for buildings

An accessory building shall be erected or otherwise placed on a lot so that it is at least 10 feet to the principal building on the lot, without a firewall.

8-75 Placement of accessory buildings on a lot

Except as allowed in this section, a detached accessory building shall be located behind the most recessed portion of the front (i.e., face of the building closest to the street) of the principal building (Exhibit 8-7). In the case of a corner lot, the accessory building shall meet the minimum setback requirements from all streets. Only accessory buildings for agricultural uses are permitted in front of the principal building. Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow an accessory building in front of the principal building. In making such decision, the Plan Commission shall consider (1) the size of the subject property, (2) the character of the area, (3) the size of the accessory building, (4) the extent to which the proposed accessory building is visible from public and private streets and other properties in the area, and (5) other factors related to relevant circumstances.

Exhibit 8-7. Placement of accessory buildings



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8-76 Vision triangle