

# City of Bayfield Plan Commission

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Bayfield City Hall, 125 South First Street, Bayfield, WI 54814, 715-779-5712

## Minutes of Tuesday, September 27, 2016 at 5 p.m.

### Call to Order - Roll Call

**Present:** Oeltjenbruns, Johnson, Durfey, Burkel, Hackbarth, Dougherty, and Mayor Ringberg

**Others:** Richard Allen, David Eades, and Rich Ryan

**Approve Agenda:** Johnson/Burkel made a motion to approve. Carried.

**Previous Meeting minutes of August 30, 2016:** Johnson/Dougherty motioned to approve the previous meeting minutes as presented. Carried.

### Public Hearing:

Mayor Ringberg called the Public Hearing to order at 5:01 p.m. The hearing was being held in accordance with Article V: Conditional Uses. Kim West, owner of property at 222 No. Front Street, who was seeking a conditional use permit in accordance with Section 500-73(C)(1) Fences and Hedges in order to retain the 10' hop pole and rope swag residential fence already installed.

Richard Allan, Latitudes Landscaping said it's a decorative feature and he didn't think it fell into the fence category. He added there are a lot of garden plants that will continue to grow up in front of it that will hide more of the structure from the Hwy 13 perspective. He's in favor of receiving the Commission's approval.

Rich Ryan commented that he feels it's a pleasant piece and doesn't pose a problem with ingress/egress. He's in favor of approval.

Burkel/Oeltjenbruns moved to close the public hearing. Carried. 5:05 p.m.

### Public Input on Agenda Items:

Rich Ryan commented on the Zoning Ordinance change requested by West's Big Lake Property at the previous meeting. With regard to the proposed language, he noted their architect has informed us an efficiency unit could be built with a minimum of 550 sq. feet; differing from the 650 in the proposed draft.

Dougherty/Hackbarth moved to close public input section. Carried.

### Agenda Item(s):

#### 1. **Conditional Use Permit (CUP) Application – 222 No. Front Street, 10' Fence**

Durfey began by asking where the fence/structure was located in regard to the owner's property line. He learned it was approximately 15' back.

Durfey/Burkel moved to approve the application as presented. Discussion. The Mayor asked the Commission to list why this is being considered? To list the reasons for approval since it's a conditional use permit. Hoopman explained the City's ordinance is to allow for 4' fencing. Fencing over 4' requires a conditional use permit. The Commission was also provided copies of the CUP Policy for 4'-6' Fence Requests (2001), along with the Historic Preservation

Guideline section on fences. She explained it would be beneficial to understand why the Commission would grant approval that differs from both policies.

A majority of the Commission expressed they didn't feel this was a fence and commented on the section of the ordinance that refers to ingress and egress. Hoopman indicated she advised the applicants to apply for a Fence and related CUP as she felt it did fall under the fence category and egress and ingress weren't just physically related but also visually. She also noted the many other fences that aren't complete boundary fencing, but were considered fences. Hoopman also referenced past applications that were similar in nature and were treated as fences.

Johnson stated she felt the application should be approved, but require the fence be no more than 6' tall.

Hoopman suggested the motion could be withdrawn and the Commission could seek a legal opinion on whether it should be considered a fence or something other than a fence.

The Commission voted and the motion to approve was denied. Carried.

Oeltjenbruns/Hackbarth then made a motion directing Hoopman to seek a legal opinion on this issue and report back to the Commission at the next meeting. Carried.

**2. Zoning Ordinance: Sec. 500-19 (C-1 Commercial District) E. – Review Revised Ordinance Relating to provisions of Sub-Section E**

Johnson/Dougherty moved to approve the ordinance with the following change:

- “And such dwelling shall be a minimum of **550** ~~650~~ square feet...”

Discussion. Johnson and Dougherty amended the motion to include the additional change suggested by Durfey:

- “No more than **35%** ~~40%~~ of any ground floor...”

Carried.

**3. Property Maintenance Ordinance / Amendments:** In accordance with the Commission's request Hoopman has asked Attorney Daly for assistance and will report back at the next meeting.

**4. Comprehensive Plan and Zoning Code Project– Proposal by Nan Fey:** Burkel/Dougherty moved to recommend approval of the proposal from Nan Fey offering services to review and update our Comprehensive Plan and related Zoning Code at a fee not to exceed \$10,000. Hoopman explained we have requested this funding from the City's 2017 Capital Improvement Project Funding. The CIP's have not yet been approved. Carried.

**5. Temporary Shelter Application/Permit:** Johnson/Hackbarth moved to approve the Temporary Shelter Application from Gene Brevold, 17 No 4<sup>th</sup> Street for a 10x20 shelter. Carried.

**6. Property Maintenance Issues/Updates:** No new information to report.

**7. Set next meeting(s):** October 25, 2016 @ 5 p.m.

**Adjournment:** Johnson/Burkel moved to adjourn. Carried. 5:35 p.m.