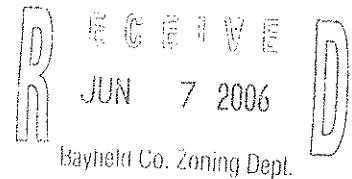


Decision on Variance
By Bayfield County Board of Adjustment



Case No. 3
May 25, 2006, Meeting

Jody Tetzlaff is requesting a **variance** from the terms of Section 13-1-40(c)(4)a2 of the Bayfield County Zoning Ordinance. This section states: Except as provided in subparagraph b., no new foundations of any kind, additional stories, other expansion, or accessory construction shall be permitted. For the purpose of this section of the Ordinance, repair of twenty-five percent (25%) or more of the lineal perimeter of the foundation shall be considered a replacement or new foundation and not a repair.

Applicant wishes to replace the existing support foundation by raising structure with two new concrete blocks on a new footing. The property is described as a 1.1-acre parcel (I.D. # 004-1044-05), located in part of Gov't Lot 3, Section 2, Township 44 North, Range 9 West, Town of Barnes, Bayfield County, WI.

Findings of Fact and Conclusions of Law:

1. Applicant seeks a variance to put in new cement block foundation and footings.
2. This cabin is 20 feet from Upper Eau Claire Lake on 1.1 acre parcel.
3. Mike Furtak, Assistant Zoning Administrator, indicated that Mr. Tetzlaff bought this property in the summer of 2005 when it was possible to rebuild a foundation without a variance and Mr. Furtak indicated to Mr. Tetzlaff that he could do just that.
4. After the purchase, the Hildreth case occurred and subsequent changes in the zoning code such that a variance is required for greater than 25% rebuilding of the foundation.
5. Mr. Furtak also counseled Mr. Tetzlaff regarding his septic system and discovered that the septic system was nonconforming and had to be replaced. A code-compliant septic system has been installed right behind the existing cabin and hooked up to that existing building.
6. The building needs to be raised so that the floor can be worked on. The floor is buckled.
7. Much, if not all of the existing plumbing and electrical is not up to code, creating a fire hazard and safety issue for the applicant and his family.
8. The Board has viewed particularly pictures of the interior of the cabin, marked Exhibit 2, 3, and 4 showing improperly installed P.V.C. water lines that have been there for sometime and are yellow with age. Some of these water lines are installed directly above power connections and electrical outlets.

9. The Board has also considered that the Town Board in this case has recommended approval
10. The Board finds that it would be an extreme and unnecessary hardship for the applicants if this variance were not granted. In making that determination, the Board has considered whether or not a denial of the variance would unreasonably prevent the owner from using the property for its permitted purpose or would render conformity with the restriction unnecessarily burdensome.
11. Right now the applicants don't even want to turn the water on in the cabin because of the code problems with the utilities.
12. In making this determination that there would be unnecessary hardship not to grant the variance, the Board has considered the purpose of the zoning restriction in question and its effect on the property. This building needs to be fixed.
13. The Board has considered the effect of the variance on the neighborhood and believes that the neighborhood would be benefited if this fire hazard were refurbished, which would also serve the larger public interest.

Decision:

For all of the above reasons, the variance is granted with the following conditions:

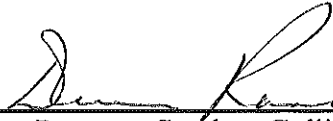
Conditions:

1. There would be no further development or variances of any kind at any time ever within the 75-foot setback area.
2. The building would be repainted or resided with some sort of earth tone color that would fit into the natural surroundings.
3. There would be no impervious driveway.
4. There would be a 35-foot vegetative buffer along the shoreline.
5. There would be shoreline restoration plan and storm water management plan approved by Jason Fischbach or other appropriate person from the Ashland/Bayfield/Douglas/Iron County Land Conservation Department.
6. All of the above conditions of the variance would be complied with not later than September 1, 2008.

Motion made by Stephen Collins; seconded by Richard Compton.

VOTE: 5 Yes; 0 No.

DATED: June, 03, 2006.



Members Present: Stephen Collins, Chairman; Richard Compton, Dennis Rasmussen; Philip Lupa, Leroy Wiesner.

Also Present: Michael Fauerbach, Attorney for B.O.A.; Karl Kastrosky, Director of Planning & Zoning; Michael Furtak, Assistant Zoning Administrator; Travis Tulowitzky, Land Use Specialist; Doug Casina, Assistant Zoning Administrator.