

Decision on Variance
By Bayfield County Board of Adjustment

Case No. 3
April 26, 2007

Desmond Sipsas, owner and Jeffery & Sue Miller, dba: Miller's Deep Lake Lodge have requested a variance from the terms of Section 13-1-83 of the Bayfield County Zoning Ordinance. This section states: Off premise signs visible from the same road and located on the same side thereof, including signs advertising different businesses, products, etc., shall have a minimum separation distance of one thousand three hundred twenty (1,320) feet between them.

Applicants seek the variance to place a sign at a distance of approximately 450 ft from an existing sign.

The property is described as a 3.15-acre parcel (ID# 022-1030-03) located in the N ½ of the SE ¼, Section 11, Township 47 N, Range 9 West, Town of Hughes, Bayfield County, WI.

Findings of Fact and Conclusions:

1. Applicant seeks a variance from Sec. 13-1-83 of the Bayfield County Zoning Ordinance. That section requires that off premises signs visible from the same road and located on the same side, including advertising different businesses, products, etc., shall have a minimum separation distance of one thousand three hundred twenty (1,320) feet between them.
2. Applicant seeks a variance to place a sign 450 ft., from the existing sign. The existing sign does not advertise Deep Lake Lodge.
3. Zoning & Planning Administrator Karl Kastrosky explained that the State does not issue permits for signs on premises; they are only involved in regulation of off premises signs.
4. The State will only issue sign permits for areas that are zoned commercial.
5. The State has no problems with a permit for this particular off premises sign because it is in a commercial zoning district.
6. However, the county ordinance says that there must be 1,320 ft., of separation from other signs, and there is another sign that is 450 ft., from this sign.
7. Business owner Jeff Miller indicated that during their busy time in the summer they get 25 to 30 calls per week from people who do not know where they are located.
8. Without this sign near U.S. Hwy. 2 there is no way for people passing on U.S. Hwy. 2 to see any evidence of a business where Deep Lake Lodge exists because the physical location of the business is approximately three-fourths of a mile down Deep Lake Road.
9. The town board recommended approval.
10. Mr. Kastrosky indicated that the specific location of this sign is actually some distance from Hwy. 2, 230 ft., from the highway. Due to the configuration of that property the sign cannot be made closer to Hwy. 2.
11. It appears to the board that there is no other feasible place for this sign because areas zoned commercial are few and far between in rural Bayfield County.

12. The board finds that it would be an unnecessary hardship for the business owner if a variance was not granted.
13. In determining whether or not this is an unnecessary hardship the board has considered whether compliance with the strict letter of the regulation would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with the restriction unnecessarily burdensome.
14. The board finds that if this business owner does not have a sign on U.S. Hwy. 2 it would be an unnecessarily burdensome restriction for him.
15. In coming to that conclusion the board has considered the purpose of the zoning restriction in question, its effect on the property, the effect of the variance on the neighborhood and the larger public interest. The board finds that the location of a sign that otherwise complies with the county ordinance would meet all of those requirements.

Decision: For all of the above reasons the variance is granted with the following condition: The sign in question will meet all other requirements of the Bayfield County Zoning Ordinance except its proximity to this other existing sign.

Motion made by Compton, seconded by Matis to grant the variance.

MOTION PASSED.

VOTE: Yes 4 No 0

Dated: _____

Members Present: Randy Matis, Phil Lupa, Lee Wiesner, Richard Compton

Also Present: Michael Fauerbach, Attorney for BOA