

Decision Interpreting Zoning Ordinance and Denying Variance  
By Bayfield County Board of Adjustment

Case No. 2

March 29, 2007

**Bruce Georgesen & Michelle St. Jeor, owners** have requested an interpretation and/or variance from the terms of Section 13-1-40(c)(3)d of the Bayfield County Zoning Ordinance. This section states: the structure may not be substantially reconstructed by replacement of exterior walls constituting more than twenty-five percent (25%) of the perimeter of the structure over the life of the structure. The owner shall provide documentation of the perimeter of the structure at the time this provision took effect and any reconstruction shall be documented by recorded affidavit.

Applicants are seeking the above variance request due to the structure integrity and future code requirements which would require a 44% replacement of the linear perimeter of the structure (57' of the original 130').

Property is described as Unit 4 of King's Lodge Condo; parcel ID# 018-1166-01-004, located in the NE ¼ SE ¼, Section 36, Township 44 N, Range 8 W, Town of Drummond, Bayfield County, WI.

1. Applicants request a variance to reconstruct a portion of the exterior wall of their lake home. The total amount that they seek to reconstruct, including new and old wall, would total approximately 44% of the total.
2. Based upon Section 13-1-40(c)(3)(d) a structure may not be substantially reconstructed by replacement of exterior walls constituting more than 25% of the perimeter of the structure over the life of the structure.
3. Applicants previously obtained a land use permit for reconstruction and an addition but it was learned later that seventeen feet of the south wall and twenty feet of the west wall were composed of 2 x 2 studs and half log construction that did not meet code, was not structurally sound, and had other problems.
4. The present construction in reference to these walls has other problems that the board of adjustment feels are not particularly relevant to this decision.
5. The zoning department and the applicant have requested that before approaching the variance issue the board of adjustment make an interpretation of the ordinance.
6. The issue to be interpreted is whether the 25% limitation on new exterior walls applies only to existing walls or to new walls that would be allowed for new or expanded construction that would be permitted under other sections of the zoning code.
7. The board of adjustment interprets Section 13-1-40(c)(3d) of the ordinance to apply only to reconstruction of existing walls and not to new walls related to an addition that could permissibly be constructed under other sections of the ordinance.
8. Assistant Zoning Administrator Furtak testified that only twenty feet of the old walls would need to be replaced and that would be less than 25% of the existing exterior walls. Therefore, no variance would be required to do the wall reconstruction proposed by the applicant.

9. For all of the above reasons the variance is denied.

Motion by Collins, seconded by Matis.

Motion carried. 5 yes, 0 no.

Dated: April 4<sup>th</sup>, 2007

Randy J. Matis

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

Also Present: Michael Fauerbach, Attorney for BOA; Karl Kastrosky