

DECISION ON VARIANCE
BY BAYFIELD COUNTY BOARD OF ADJUSTMENT

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Bayfield Co. Zoning Dept

Case #1
March 26, 2009

Town of Bayfield has requested a **variance** from the terms of Section 13-1-87(d) of the Bayfield County Zoning Ordinance. This section requires: Signs shall not be closer than three (3) feet to a property line or right-of-way line, and, except as provided in Sec. 13-1-82(a)(3) and Sec. 13-1-86(b), shall not extend more than ten (10) feet high above the ground level, except that a sign fastened to a building may be higher so long as it is not higher than the highest part of that building's roof.

Applicant seeks variance to install a multi-tenant sign 3' within the right-of-way of the town road called "Business Park Road."

Property is a parcel (ID# unknown), described as the South 66' of the West half of the SW ¼ of the NE ¼, Section 1, Township 50 N, Range 4 W, Town of Bayfield, Bayfield County, WI.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Town of Bayfield seeks a variance to construct a large sign 3 ft. from a right-of-way or property line.
2. The sign is a multi-tenant sign in a business park that would actually be in the right-of-way adjacent to land zoned Ag 1 at the intersection of County J and Business Park Road.
3. The Town Board recommended approval of the variance.
4. This board has considered all of the information in the packet Exhibit A1 as well as Exhibits A2 through A4. Specifically, the board has considered the Town of Bayfield Overlay District relating to signs in Exhibit A2.
5. The town has attempted to obtain permission or use of adjoining property for a sign and that attempt has been unsuccessful.
6. Assistant Zoning Administrator Doug Casina indicates that the sign that is planned has room for additional tenants and that it would be preferable from a clutter and enforcement standpoint to have one sign rather than multiple tenant signs.
7. Dick Carver, the authorized representative of the Town of Bayfield, indicated that the Town of Bayfield Comprehensive Plan calls for economic development but also for preservation of the character of the town which is primarily agriculture and tourism.
8. The town has attempted to meet those goals by shielding industrial development from easy or casual observation and that is why a sign is needed in this particular situation.
9. Mr. Carver also indicated that the town was not interested in providing lighting for the sign.
10. The board has considered whether or not an unnecessary hardship exists and whether denial of a variance in this situation would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restriction unnecessarily burdensome. The board finds that this unnecessary hardship standard has been met.
11. In reaching that conclusion the board has considered the purpose of the ordinance which

is in significant part to protect natural resources. This sign would have no adverse effect on natural resources.

12. The board has also considered the effect that this sign would have on the property in question and as shown by Exhibit A4 the sign would not adversely affect this particular piece of property or the immediately surrounding neighborhood.
13. The board also finds that the larger public interest would be met because the sign would allow easier access to the business park.

Decision: For all of the above reasons the board votes to grant the variance with the following conditions:

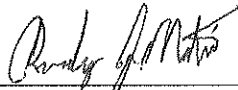
- A. There will be no artificial lighting of the sign.
- B. The sign will be constructed using natural colors to blend in with the surrounding environment.

Motion made by Randy Matis, seconded by Phil Lupa, to grant the variance.

MOTION PASSED.

VOTE: Yes 5 No 0

Dated: April 1st, 2009



Members Present: Richard Compton, Randy Matis, Phil Lupa, Jacqueline LaBelle, Leroy Wiesner

Also Present: Michael Fauerbach, Attorney for BOA