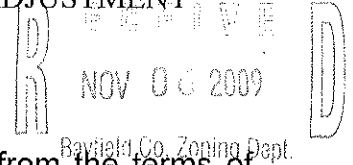


DECISION ON VARIANCE BY BAYFIELD COUNTY BOARD OF ADJUSTMENT

October 29, 2009



Lakes Community Health Center, Inc. has requested a **variance** from the terms of Section 13-1-22(b)(3) of the Bayfield County Zoning Ordinance. This section requires:

(3) **Unincorporated Village Overlay District Setbacks.** Within the unincorporated village overlay district, a minimum setback distance of ten (10) feet from the right-of-way line of any street, road or alley shall be maintained. Special structural setback reductions will be permitted within unincorporated villages if there are at least three (3) existing principal buildings, built to less than the required setback, within three (300) feet on either side of the proposed site, the reduced setback may be equal to but no greater than, the setback of the closest adjacent principal building.

Applicant seeks variance to add a 16' x 45.5' (728 sq. ft.) one-story expansion to the existing structure 5' from the West property line which is also the right-of-way line of S. George Street.

Property is a 0.224-acre parcel (ID# 04-024-2-47-08-07-4-00-198-05900), located in Lots 13-15, Block 5, Original Plat of Iron River , Section 7, Township 47 N, Range 8 W, Town of Iron River, Bayfield County, WI.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Lakes Community Health Center, Inc., seeks a variance to build a 16' x 45.5' (728 sq. ft.) one-story expansion 5' from its west property line which is also the right-of-way of South George Street.
2. Pursuant to Sec. 13-1-22(b)(3) of the Bayfield County Zoning Ordinance, this is an unincorporated village overlay district where the minimum setback is 10' from any street. This building fronts on U.S. Hwy. 2 but the setback in question is a side setback on South George Street. South George Street is a lightly traveled road with a pavement width of 35' and parking allowed on both sides.
3. There may be parking issues based upon the evidence but this expansion will not reduce parking. Also, there was evidence that the town is considering a plan for additional parking and the applicant is working with the town and neighbors on this issue.
4. The additional 5' of building width allowed by a variance would not interfere with the use of the South George Street right-of-way.
5. This building is connected to municipal sewer and water.
6. The town board made a recommendation in favor of the variance.
7. The applicant is a non-profit health care clinic offering services to everyone regardless of insurance or ability to pay that opened in January 2008.
8. Lakes Community Health Center, Inc., has utilized an old building and is working to expand that to better serve a public need.

9. Within one year of opening it became apparent that the clinic needed more room to meet community health care needs and the response to the clinic has shown a substantial unmet need.
10. Additions are planned for both sides of the existing building. This addition is on the west side.
11. Expanding on the south is not an option because the building is only 6' from the property line there.
12. There is room to the north but an addition in that direction would be problematic because of the roof configuration.
13. Essentially, there is a strong public need to expand this facility and no other space is available except on the west side.
14. The board has considered whether or not there would be an unnecessary hardship if a variance is not granted. Unnecessary hardship is best explained as a situation where compliance with the strict letter of the restriction governing setback would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with the restrictions unnecessarily burdensome. The board finds that that standard has been met and that an unnecessary hardship exists.
15. In applying that standard the board has also considered the purpose of the zoning restriction in question which is, in part, to promote orderly development.
16. The board has considered the effect on the property which would be beneficial.
17. The board has considered the effect of the variance on the neighborhood and finds that the neighborhood and the entire town of Iron River would certainly benefit by this expansion.
18. The board has also considered the larger public interest which would certainly be met by an expanded public health clinic of this kind.

Decision:

For all the above reasons the variance is granted.

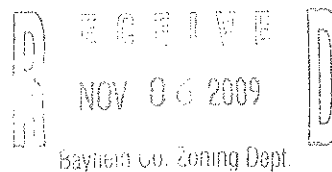
Motion made by Richard Compton, seconded by Philip Lupa to grant the variance.

MOTION PASSED

VOTE: Yes 4 No 0

Dated: Nov. 4, 2009

Randy G. Matis



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

Also Present: Michael Fauerbach, Attorney for BOA