

DECISION ON VARIANCE BY BAYFIELD COUNTY BOARD OF ADJUSTMENT

Case 3

March 25, 2010

Christopher Forslund has requested a variance from the terms of Section 13-1-40(c)(4) c.2. of the Bayfield County Zoning Ordinance. Section 13-1-40(c)(4)c.2. states: the addition shall be within the existing footprint or landward thereof and shall not increase the existing footprint by more than fifty percent (50%) nor increase the resulting footprint (of the existing structure and addition combined) beyond one thousand five hundred (1,500) square feet (but this provision does not prohibit an addition to a structure whose existing footprint is more than one thousand five hundred (1,500) square feet if the addition does not increase the footprint);

Applicant seeks to construct a 10' x 10' (100 sq. ft) single story addition to the Northeast (lakeward) corner of the existing (24' x 40') (1,100 sq. ft) main body structure.

The property is a 4.32-acre parcel (ID# 04-024-2-47-08-02-3-05-007-10000), located in Gov't Lot 7, Section 2, Township 47 North, Range 8 West, Town of Iron River, Bayfield County, WI.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Applicant seeks a variance to construct a 10 x 10 foot single story addition on the northeast (lakeward) corner of an 1,100 square foot home.
2. This is a relatively large, 4.32 acre lot on Long Lake, but in a prior case involving this same property this board found that 3/4 of the lot was not available for any development because more than 3/4 of the lot was covered by a road, wetlands, and historic lakebed. The prior case granted a variance for reduced setback and a special exception for reduced side yard setback.
3. The prior case was #2 (08-04B). Decision was dated March 6, 2008. That entire decision is attached to this decision and incorporated by this reference because of the factual matter from the other case.
4. That prior decision granted the applicant a variance and a setback to replace a poorly constructed 24 x 24 foot garage with a bad foundation with a new 24 x 40 foot garage. The existing home was later damaged by fire in November 2009 and is presently undergoing the addition of a second story to the existing 24 x 40 foot main building or house. The second story will not create additional impervious surface.
5. The applicant seeks to construct a 10 x 10 foot single story addition to offset the loss of first floor space due to the installation of a staircase to access the second floor.
6. Since the other variance and special exception were granted the applicant has complied with a number of the conditions of that variance, except that a septic system has not yet been installed. There has been no time limit or condition under the other variance that was violated and there are plans to install that septic system.
7. The Town Board tabled the recommendation for this variance due to a lack of information.
8. The applicant testified that the addition would not further encroach on the lake.
9. The applicant was asked what the basis for unnecessary hardship is in this case. The applicant answered that it was to get back the living space that had been lost by

- installation of the stairs. However, the board notes that a second story is going to be constructed so there will be significantly more living space than there was before.
10. The board finds that the applicant has failed to meet the standard for unnecessary hardship. The board has considered the unnecessary hardship standard in reference to whether the strict letter of the restriction governing the setback would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with the restriction unnecessarily burdensome.
 11. In determining that that standard has not been met, the board has considered the purpose of the zoning restriction in question, which is to protect natural resources and the lake.
 12. The board does not see this 10 x 10 foot addition as having any particular beneficial effect on either this property or the neighborhood in general.
 13. The board also feels that the larger public interest would not be served by granting a variance under these circumstances.

Decision:

For all of the above reasons, the request for a variance is denied.

Motion made by Phil Lupa, seconded by Dennis Rasmussen, to deny the variance.

MOTION PASSED

VOTE: Yes 4 No 0

Members in favor: Dennis Rasmussen, Philip Lupa, Richard Compton, and Randy Matis

Dated: 30 March 2010

Members Present: Dennis Rasmussen Philip Lupa, Richard Compton, and Randy Matis

Also Present: Michael Fauerbach, Attorney for BOA

Randy J. Matis

