BOARD OF ADJUSTMENT MEETING AGENDA

Monday September 28th, 2026 – 9:00 a.m.
Barron County Government Center | Room 2106
335 E. Monroe Avenue - Barron, Wisconsin

1. Call to Order and Roll Call
2. Acknowledgement of Public Posting Requirements
3. Approval of Agenda
4. Approval of Minutes
5. Public Comment
6. Hearings of applications and appeals to the Board of Adjustment:

   9:00 a.m. **Appeal #4026 : James A & Rebecca J Close, property owners,** Requests a variance to construct an addition to a pre-existing non-conforming dwelling with a reduced setback to the ordinary high water mark to Loon Lake in a Recreational Residential district.
   Property address: 142 18 3/8 Avenue, Comstock, Wisconsin

7. Report from Land Services Director
8. Adjournment

PLEASE CALL 537-6375 IF YOU ARE **NOT** ABLE TO ATTEND THE MEETING

NOTE: Any person who has a qualifying disability under the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible format must contact the County Clerk's office at 715-537-6200 at least 24 hours prior to the meeting so that arrangements may be made to accommodate your request.

cc: Hardie, Moen, Nelson, North, Kelsey, Corporation Counsel, Deputy Corporation Counsel, County Clerk, County Administrator, Department of Natural Resources, Public posting

BOARD OF ADJUSTMENT MEETING MINUTES

Monday September 21, 2026 – 9:00 a.m.
Barron County Government Center | Room 2106
335 E. Monroe Avenue - Barron, Wisconsin

Present: Amy Kelsey, Keith Hardie and Gary Nelson.
Absent: Carol Moen and Dan North
Zoning Office staff: Ben Cole, Becky Melton and Rachel Perry

Chair Nelson called the Board of Adjustment to order at 9:00 a.m. and called roll. Perry confirmed that proper posting of the notice was done in accordance with the Wisconsin Open Meeting Law.

Motion: (Hardie/Kelsey) to approve the agenda; carried. **Motion: (Hardie/Nelson)** to approve the minutes of August 24, 2026; carried.

Public Comment: None.

9:00 a.m. | Appeal # 4025: Scott M & Mary A Bellefeuille, property owners; Mark Bellefeuille, agent: Requests a special exception to establish rural bait, gun, sports shop and corner store in a Recreational Residential district.
Property address: 1011 22 ½ Ave, Cumberland, Wisconsin.

Nelson opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. **Motion: (Kelsey/Hardie)** to include Appeal 1294 & 2111; carried. Cole presented a staff report. Public testimony was received and there was no written correspondence. Town Consideration Form entered into testimony. After Board question and discussion, **Motion: (Kelsey/Hardie)** to close testimony; carried. **Motion: (Kelsey/Hardie)** to approve the special exception as presented with the following conditions:

1. All licenses and permits are obtained prior to operation, and all testimony, oral and written, is part of the decision.
2. Hours of operation 7 am – 6 pm 7 days a week.
3. All lighting downward facing.
4. Contingent upon meeting WIS DOT driveway setback requirements.

Motion carried 3-0

Report from L.S. Director: N/A.

Next Board of Adjustment Meeting: September 28, 2026.

Meeting was adjourned by unanimous consensus at 10:25 am

Respectfully submitted,
Rachel Perry, Administrative Assistant

Minutes are not official until they are approved at the next BOA meeting.

Appeal #4026

NOTICE OF PUBLIC HEARING

STATE OF WISCONSIN SS

COUNTY OF BARRON

TO WHOM IT MAY CONCERN:

PUBLIC NOTICE is hereby given to all persons in the County of Barron, Wisconsin, that a public hearing will be held on **Monday, September 28, 2026 at 9:00 a.m.** in Room 2106 of the Barron County Government Center, 335 E. Monroe Ave., Barron, Wisconsin, relative to a proposal for a variance to the terms of the Barron County Land Use Ordinance as follows:

Requests a variance to construct an addition to a pre-existing non-conforming dwelling with a reduced setback to the ordinary high water mark to Loon Lake in a Recreational Residential district on property described as Lot 9 Nessen's Loon Lake East, located in Section 32, T35N, R14W, town of Crystal Lake, Barron County, Wisconsin.

The Board of Adjustment reserves the right to view the property and may convene in executive session prior to rendering a decision. Contact Zoning Office staff at 715-537-6375 with questions regarding this appeal.

Property owners: James A & Rebecca J Close
Property address: 142 18 3/8 Ave, Comstock, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 9th day of September, 2026.

Barron County Board of Adjustment
Gary Nelson, Chairman

VARIANCE APPLICATION

Submit completed application and fee to the:
Barron County Zoning Office
335 E. Monroe Ave. #2104
Barron, WI 54812
715-537-6375

Note: Hearing date may be delayed until a site visit can be completed

Property Owner: James Close
Address: N14457 Cty Rd F
City/State/ZIP: Ridgeland WI 54763

Agent: _____
Address: _____
City/State/ZIP _____
Daytime: _____
Email: _____

SITE INFORMATION

Parcel I.D. Number: 016 - 4000 - 12 - 000
Property Address: 142 183/8 Ave Comstock WI 54826

AREA VARIANCE REQUEST IS FOR: (Check all applicable boxes below; multiple setbacks may be required)

Proposed Project: ☐ New ☒ Addition to (Existing structure w/in setback to: _____)

☒ Dwelling ☐ Accessory Structure ☐ Fence
☐ Retaining Wall ☐ Open structure (platform, free-standing deck, patio, etc.)
☐ Other _____

Setback to: ☐ Road ☐ Road right of way ☐ Centerline
☒ Ordinary highwater mark ☐ Easement ☐ Property line

Has the structure/addition in question already been placed/built on this property? If so, when? _____
Was it built/placed while property was under current ownership? ☐ Yes ☒ No

Describe project: construct a utility addition

An **area variance** is authorization by the Barron County Board of Adjustment (BOA) to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction. The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the BOA to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Failure to appear at the hearing may result in the BOA moving forward with a decision based on the facts presented.

OFFICE USE
Appeal # 4026 Hearing Date: 10 / 12 / 26 Other appeals #377,939
Name of Water Body: Lwn Lake Zoning Dist.: RR
Reviewed By: Benjamin C. Cole Date 08 / 31 / 2026

DATE RECEIVED:

RECEIVED
AUG 18 2026
BARRON COUNTY
LAND SERVICES

Variance Criteria

(1) Will there be **unnecessary hardship** to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restraints unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing there is no suitable location for a home or claiming that they need more outbuilding space than permitted to store personal belongings.) Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

see attached

(2) Do **unique physical characteristics** of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstance of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

see attached

(3) What would be the effect on this property, the community or neighborhood and the **public interest** if the variance was granted? How can these impacts be mitigated?

The purpose and intent statements of the ordinance outline public interest factors. If granted, the variance request cannot harm the interests of the neighborhood, County and State as a whole and cannot be contrary to the objectives of the ordinance as established in the intent and purpose statements. Support from neighbors is not to be construed as proof of no adverse impacts on public interest.

see attached

Alternatives

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

see attached

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

See attached

Plot Plan Instructions: Use the area provided on the following page, or a separate piece of paper, to show ALL of the following items:

1. The location and size of all *proposed and existing* buildings
2. The location of:
   - any lake, flowage, stream or river that either abuts or is near your property
   - and name of all roads
   - any Easements (road, utility or other)
   - any proposed or existing well(s)
   - Privately Owned Wastewater Treatment System (POWTS). A POWTS includes a septic tank, holding tank, mound system or drainfield
3. Show distances from buildings to:
   - lot lines
   - center of roads and/or edge of easements
   - ordinary highwater mark of any lake, river, stream or wetland if applicable

All measurements are from the furthest extension of the structure (eaves, overhangs, etc are part of the structure) to the nearest point of a setback.

When measuring setback distance on a sloping building site, the measurement must be done on a **HORIZONTAL (flat) MEASURING LINE**. The horizontal measuring line is created by holding the measuring tape level **AND NOT MEASURING ALONG THE SLOPE**. Depending on the amount of slope, several short measurements may have to be made.

For waterfront properties only, please note:

- Impervious Surfaces: For **all** proposed projects, an "Impervious Surface Worksheet" **must** be completed and attached to this application.
- Viewing/Access Corridor: For proposed dwelling projects on an undeveloped lot, a viewing/access corridor sketch **must** be submitted.
- Mitigation Plan: Where proposed construction will impact setbacks to the ordinary highwater mark, a mitigation plan may be a requirement of variance approval.

For detailed information regarding these requirements, please consult with Zoning Office staff.

Plot Plan(Attach additional page if needed, not to exceed 8 ½ " x 14")

N see attached.

The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Land Services staff and Board of Adjustment members to view the premises, in relation to the appeal request made herein. The undersigned has read and understand the procedures and requirements for applying for a variance, and further understands that the filing fee is non-refundable and the application may be returned if information is incomplete or illegible.

The undersigned also understands that they, or their agent, must appear at the public hearing.

Owner Signature — Date: 8 / 18 / 2026

Agent Signature — Date: ____ / ____ / ____

Close 142 18 3/8 Ave Comstock

Project Description

Build a utility room addition that provides weather and rodent protection, and secure and safe access to home's mechanical equipment.

Variance Criteria

(1) Unnecessary Hardship

Following the loss of the external buildings and required replacement of mechanical equipment, the existing house does not have a utility room or other interior space capable of housing the systems and equipment to regain reliable year-round utilities. There is simply no available space within the existing home to properly locate the water softener, brine tank, water tank, hot water heater, drains, pipes, vents, electrical, and heating equipment. A temporary resin shed currently located on the deck has been used to house some of the utility equipment since the tornado. However, this is not a suitable long-term solution. The shed is not designed to provide the weather protection necessary for the equipment, protect against rodent damage and disease and secure and safeguard the mechanical systems, while ensuring safe and reliable access.

An enclosed utility room attached to the existing structure is therefore necessary to provide a safe, weather-protected location for the home's essential mechanical systems. The proposed location of the utility room is adjacent to the existing water, sewer, and electrical systems, minimizing the need to relocate or extend these existing services. Interior accessibility from the house is particularly important during winter and periods of severe weather. Without interior access, routine maintenance or emergency access to the equipment would require going outside at night or during severe weather. Snow and ice will also block access or create hazardous conditions, particularly if significant accumulation occurs while the property is unoccupied.

Interior access to the utility room is also important to the operation and maintenance of the home's heating system. The original wall furnace became unsafe and had to be removed. Replacing it with another wall-mounted unit or a mini-split system would not adequately address the heating needs of the house, and there is insufficient interior space for a larger conventional heating unit. Replacing the preexisting external sheds with multiple separate heating solutions had multiple points of failure, risk, and maintenance. A high-efficiency heating system is needed as a single heating solution for the home, providing an enclosed utility room would allow the heating, water, hot water, and water-softening systems to be housed together in a protected environment rather than relying on multiple external structures or temporary arrangements.

In addition, the existing house experiences moisture issues, including mold and mildew, during hot and humid summer conditions. An air-conditioning system is needed to help control the indoor environment and address these moisture-related conditions. The proposed utility room would provide an appropriate location for the necessary mechanical equipment associated with this system.

Consequently, without an addition providing an enclosed utility and mechanical room, the house cannot reasonably maintain its necessary water, hot water, water-softening, heating, and environmental-control systems in a safe and reliable manner throughout the year. The hardship results from the existing physical configuration and limited interior space of this particular house, rather than from a personal preference for additional living space. The requested variance would allow a small, purpose-specific addition to accommodate essential mechanical equipment and provide safe, weather-protected access to those systems. The addition is therefore necessary to reasonably maintain and continue to use the existing house as a year-round structure while minimizing the amount of new construction and setback relief requested.

Close 142 18 3/8 Ave Comstock

(2) Unique Physical Characteristics

The unique physical limitation of this property is the configuration of the existing structure. The house was constructed without a dedicated utility or mechanical room, and there is no available interior space within the existing structure to accommodate the necessary water, hot water, water-softening, and heating equipment. The lack of available interior space is an existing physical characteristic of the structure and limits the reasonable locations where the equipment can be placed, such as in a small kitchen, bathroom or bedroom.

The cabin is about 25 feet from the ordinary highwater mark for allowed lateral expansion. Equipment located in exterior sheds is vulnerable to freezing conditions, while snow and ice can restrict access for maintenance or emergency situations. Monitoring multiple heating solutions in multiple structures presented higher physical risk to the systems. These conditions make it impractical to regain reliable year-round utilities without an enclosed addition. The proposed utility room addresses these existing physical limitations while keeping the addition as small and purpose specific as reasonably possible.

(3) Effect on this property, the community and Neighborhood

The proposed addition will have a limited effect on the property, neighborhood, and community because it is intended primarily to provide an enclosed utility and mechanical space for the existing home. It will not change the established residential use of the property or create a new dwelling.

The addition will provide a permanent, weather-protected location for essential mechanical equipment that is currently being accommodated in a temporary resin shed on the deck and replacing a shed destroyed and another damaged in the tornado. Moving these utilities into an enclosed structure will improve the appearance, safety, and long-term functionality of the property value.

The proposed addition will be designed as an extension of the existing house and will be limited to the reasonably necessary space to accommodate the mechanical equipment. The project will not create additional impacts on neighboring properties.

The enclosed utility room will also reduce the potential for winter-related damage to the home's water and heating systems and provide safer access for maintenance and emergency situations. This will allow the existing home to be properly maintained through changing seasons from freezing and moisture damage.

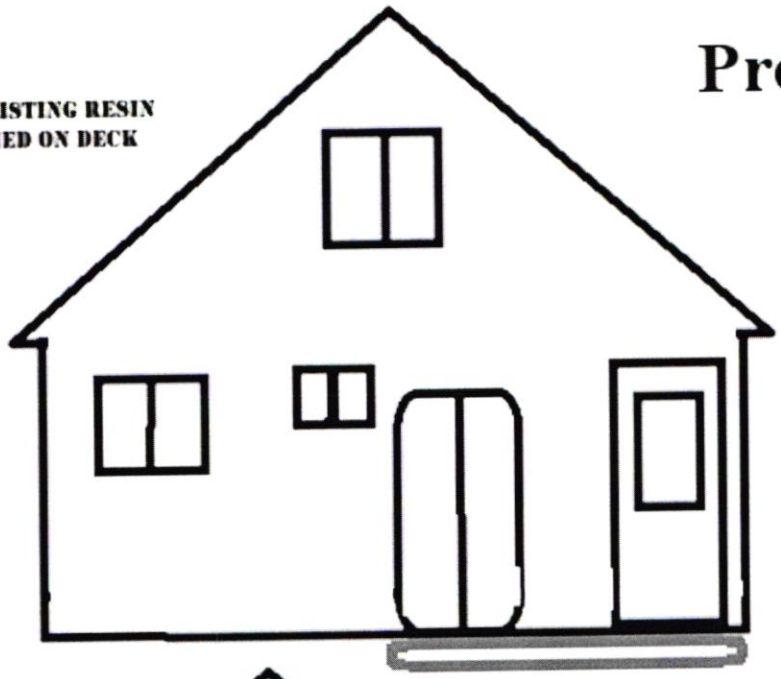
Any potential impacts associated with the addition will be minimized through appropriate design, construction practices, and compliance with all applicable requirements other than the specific setback for which the variance is requested. The requested variance is limited to the relief necessary to accommodate the utility addition and will not adversely affect the established character of the neighborhood or the public interest.

Close 142 18 3/8 Ave Comstock

Alternatives

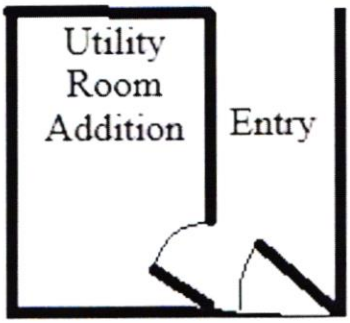
1) A 10.5 x 12.5 (size of deck) addition accessible from the front door entry way. (Similar to proposed but larger)
    a. Meets all the items summarized in the variance criteria.
    b. Rejected given advice that it was too large.
2) Dormers on second level retain living space for the bedrooms, utilizing the other side for utility room. (Drawing attached)
    a. Acceptable for the items summarized in the variance criteria.
    b. Internal and external construction impacts to existing structure and cost.
    c. Loss of space in kitchen to house pipes and electrical.
    d. Rejected due to cost concerns and changes to existing structure.
3) Addition accessible from under a covered walkway to the front door. (Drawing attached)
    a. Resolve most of snow, rain and ice shedding concerns.
    b. Still aesthetically pleasing and obvious front entrance
    c. Rejected due to external access concerns safety and exposure
4) A detached 8 x 12 shed (boat house due to setback location) accessible from under a covered walkway to the front door. (drawing attached)
    a. Close to utilities. Concerns with burying utilities access to cabin like hot water.
    b. Resolve most of snow, rain and ice shedding concerns.
    c. Still aesthetically pleasing and obvious front entrance
    d. Rejection due to external access concerns safety and exposure. Requires second heat source. And given advice that boat houses must be between house and lake.
5) A boat house between house and lake with partial use for utility systems. (Partial solution before shed lost in tornado)
    a. Rejected due to using boat house as utility room. Distance and proximity to lake and utility connections like running water and sewer to shed by the lake.

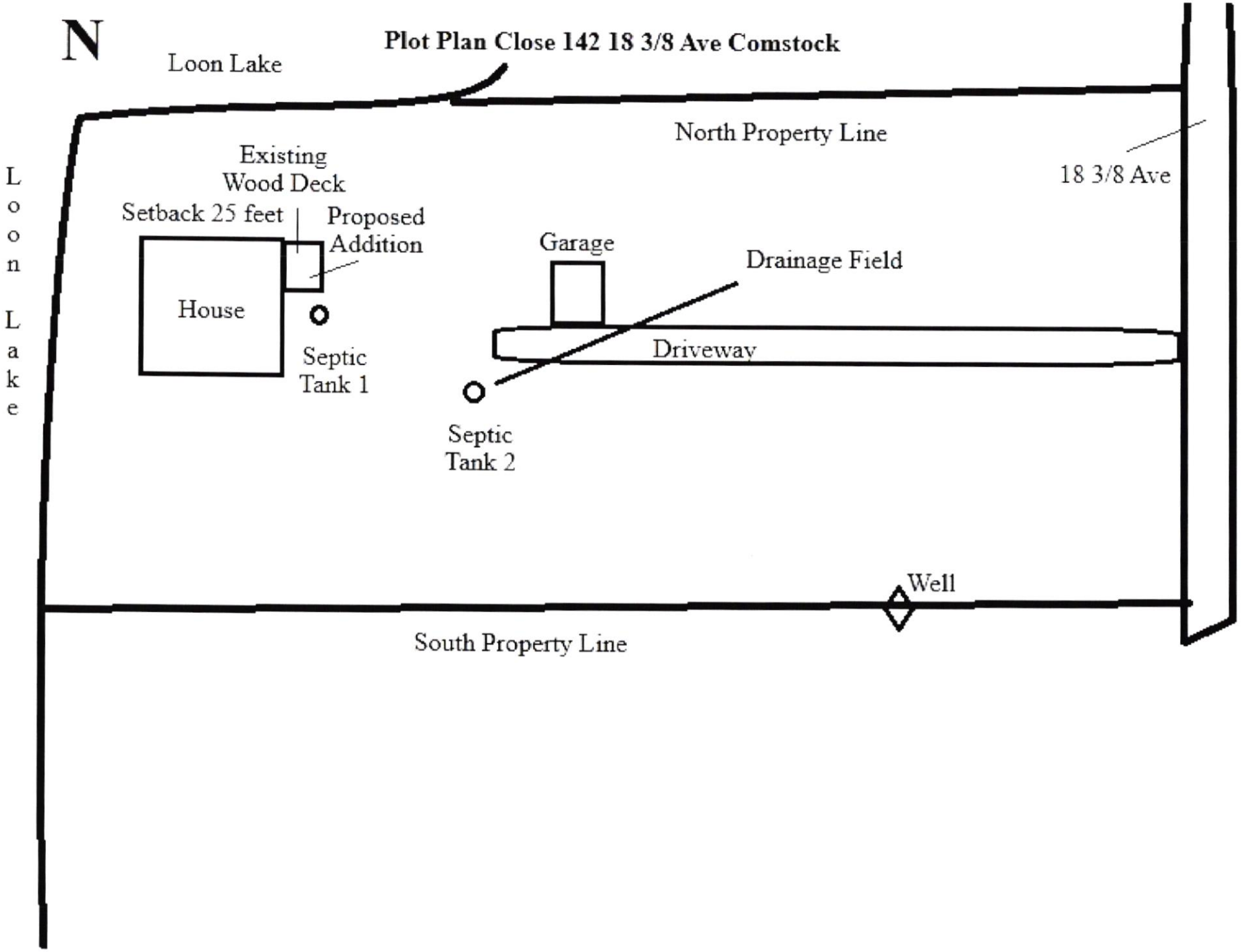
Proposed



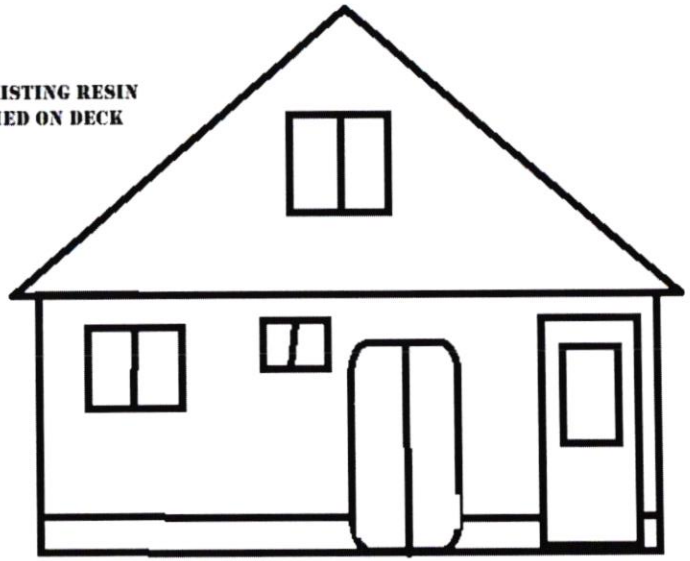


9 by 12 foot (external dim.) Layout

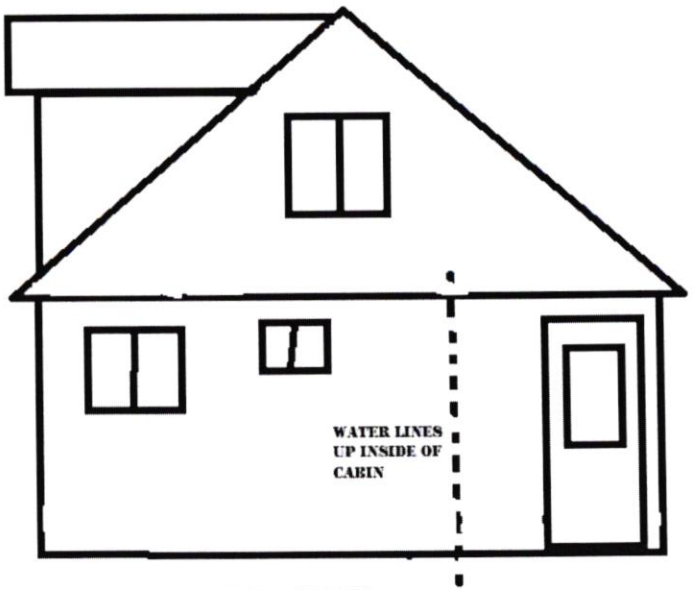



N
Plot Plan Close 142 18 3/8 Ave Comstock
Loon Lake
North Property Line
18 3/8 Ave
Loon Lake
Existing
Wood Deck
Setback 25 feet
Proposed
Addition
House
Septic
Tank 1
Garage
Drainage Field
Driveway
Septic
Tank 2
Well
South Property Line

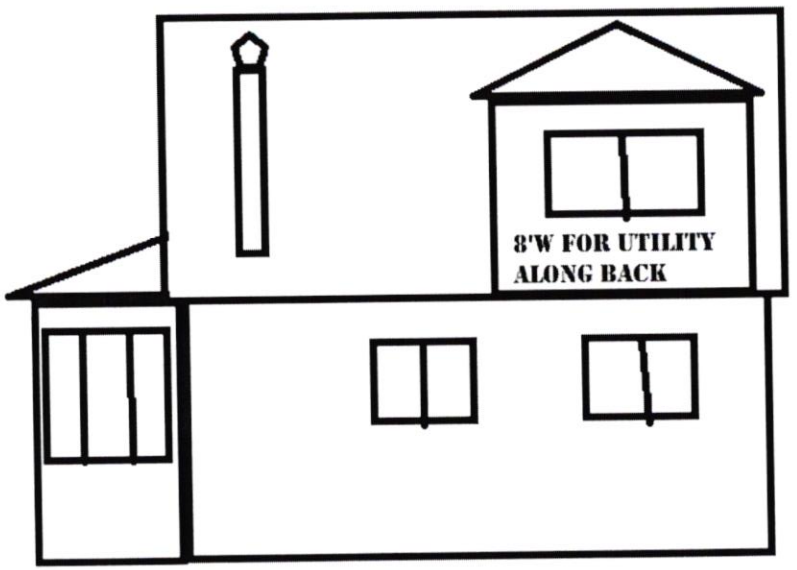
EXISTING RESIN
SHED ON DECK



Alternative

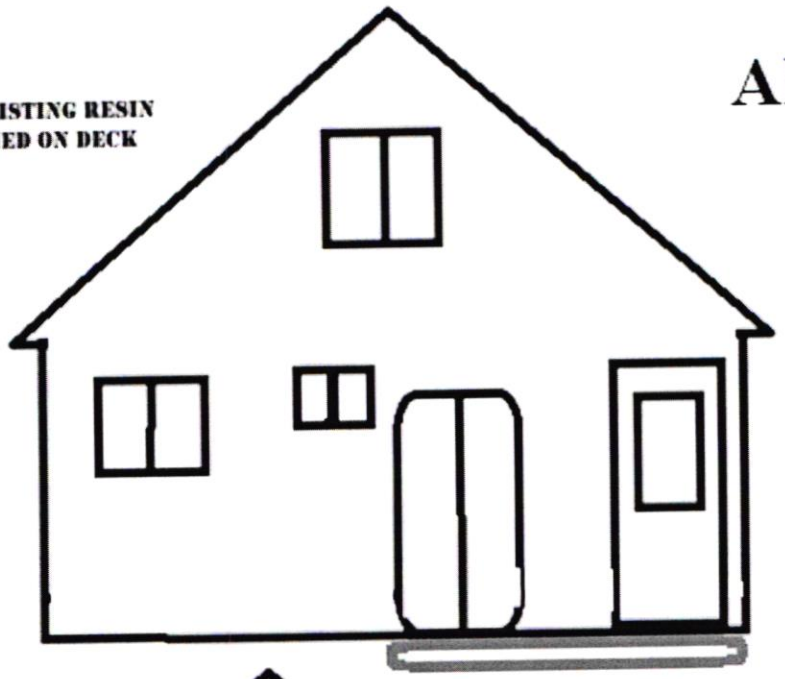


DORMER OPTION
FOR UTILITY ROOM

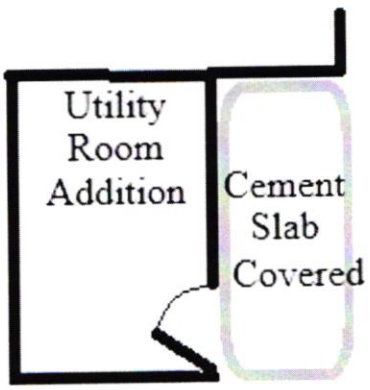


SIDE VIEW AWAY
FROM LAKE

Alterative

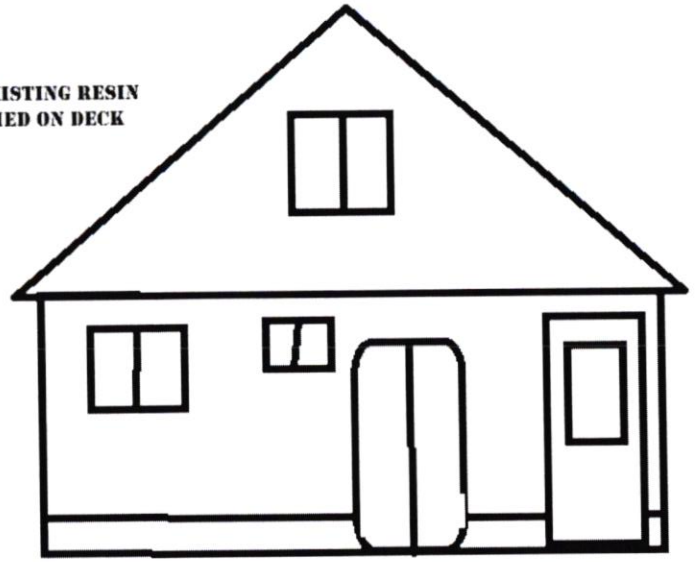


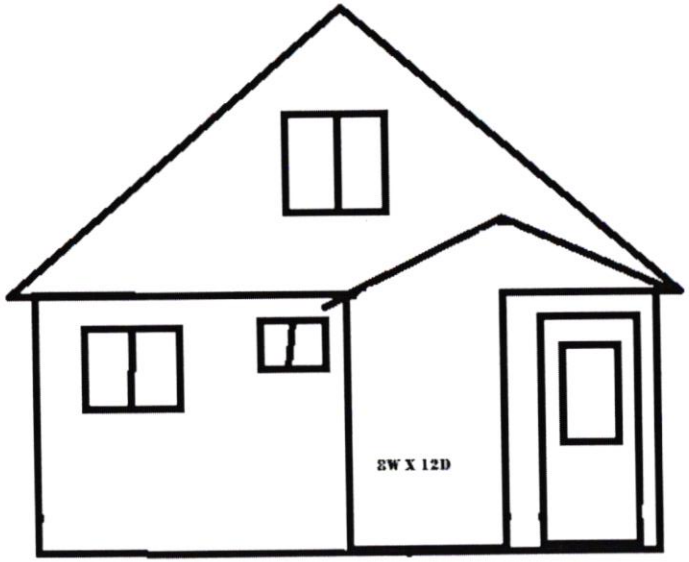




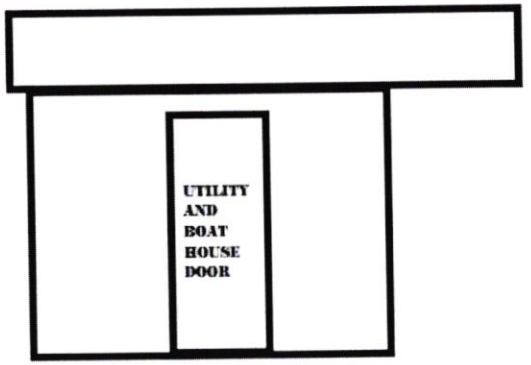
9 by 9 foot (external dim.) Layout

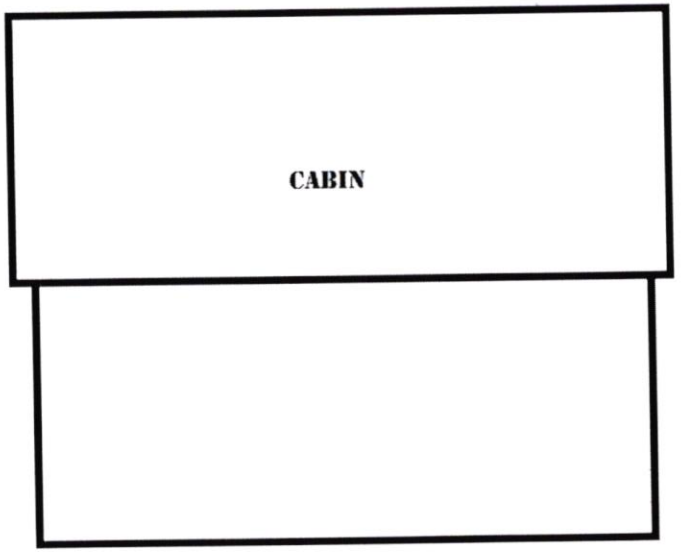
Alternative





NOT ATTACHED FRONT VIEW





SIDE VIEW

WORKSHEET NO. 1 - IMPERVIOUS SURFACE AREA CALCULATION

BARRON COUNTY ZONING OFFICE • 335 E MONROE AVE, ROOM 2104, BARRON, WI 54812 • 715-537-6375 • www.barroncountywi.gov

These impervious surface area calculations are required per Section 17.41(7) of the Barron County Land Use Ordinance. The County impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of **ANY** impervious surface on a waterfront lot or parcel and any non-waterfront lot or parcel that is located entirely within 300 feet of the ordinary highwater mark of any navigable lake, pond, flowage or waterway. An impervious surface is an area that releases, as runoff, all or a majority of the precipitation that falls on it. An **IMPERVIOUS SURFACE AREA** includes all of the following:

- Roofs of all Buildings/Structures (homes/garages/sheds/carports etc.)
- Patios constructed with pavers/stone/concrete/blacktop/etc.
- Driveways, Sidewalks, Walkways and Stairways constructed with wood/stone/pavers/gravel/concrete/blacktop/etc.
- Compacted Parking Areas
- Decks and Porches (covered and uncovered)

...plus private/easement road surfaces and any other surface/material that is determined by Zoning staff to be impervious. An impervious surface (area) excludes grassed and/or other vegetated areas, frozen soil, public road surfaces and certain private roads or other surfaces that are specifically listed as exempted in the Ordinance.

To complete this worksheet you will need to provide the dimensions and area calculations for **ALL** impervious surfaces on your lot that are located (or to be located) within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway. If additional space is required, please attach separate sheet(s) with the applicable dimensions and area calculations shown.

1 Is your property a waterfront lot? *(Waterfront means directly abutting/adjacent to a lake, river or other navigable waterway/waterbody)*
☐ **NO**, skip line 2, go to line 3. ☐ **YES**, go to line 2.

2 Will any part of your proposed construction project (impervious surface area) be located within 300 feet of the water?
☐ **NO**, go to line 38. ☐ **YES**, skip line 3, go to line 4.

3 Is your **entire** lot located within 300 feet of the water?
☐ **NO**, go to line 38. ☐ **YES**, go to line 4.

4 Is your property a vacant, undeveloped lot *(i.e., no existing impervious surfaces present)*?
☐ **NO**, go to line 5. ☐ **YES**, enter "0" (zero) on line 15, then go to line 17.

5 Complete **Table 1: PreConstruction (Existing) Shoreland Impervious Surface Area** (lines 5 thru 15) calculations below.

TABLE 1
PRE-CONSTRUCTION (EXISTING) SHORELAND IMPERVIOUS SURFACE AREA

- Calculate **ONLY** the impervious surface areas that are currently on your property, that are located *"Within the Shoreland"* of your lot.
  NOTE: The "Shoreland" area of your property encompasses all of the land area from the water's edge to a point 300 feet landward.
- **DO NOT** include impervious surface areas that are located *"Outside of the Shoreland"* **(i.e., More than 300 feet from the water).**

	Existing Structure or Surface	Width (ft.)	x	Length (ft.)	=	Area (sq. ft.)	
5	House (roof area).....	30	x	30	=	900	5a
	(or other principal structure)...		x		=		5b
	.....		x		=		5c
6	Deck.....	10.5	x	12.5	=	131.25	6a
	.....		x		=		6b
7	Patio (area).....		x		=		7a
	.....		x		=		7b
8	Porch.....	27	x	8	=	216	8a
	.....		x		=		8b
9	Garage (roof area).....	12	x	12	=	144	9a
	.....		x		=		9b
10	Shed (roof area).....		x		=		10a
	.....		x		=		10b
	.....		x		=		10c
11	Sidewalk/Stairway (area).....		x		=		11a
	.....		x		=		11b
12	Driveway (area).....	8	x	100	=	800	12a
	.....		x		=		12b
13	Compacted parking area.....		x		=		13a
	.....		x		=		13b
14	Other.....		x		=		14a
	.....		x		=		14b

15 Add lines 5 thru 14. This is your **Pre-Construction** (Existing) Impervious Surface Area..... 2191.25 15

16 **REQUIRED Pre-Construction Site Plan**: Attach, to this worksheet, a site plan of your property (either dimensioned or drawn to scale) showing the preconstruction impervious surface areas listed in Table 1 above. Label this set of plans **Pre-Construction** Impervious Surface Area.

⇨ ⇨ ⇨ PROCEED TO PAGE 2 ⇨ ⇨ ⇨

WORKSHEET NO. 1 (PAGE 2)

17 Complete **Table 2: Post-Construction Shoreland Impervious Surface Area** (lines 18 thru 28) calculations below.

TABLE 2
POST-CONSTRUCTION (EXISTING + NEW – REMOVED) SHORELAND IMPERVIOUS SURFACE AREA

- Calculate **ONLY** the impervious surface areas that will be located *"Within the Shoreland"* of your lot, after project completion.
  NOTE: The "Shoreland" area of your property encompasses all of the land area from the water's edge to a point 300 feet landward.
- **DO NOT** include impervious surface areas that are located *"Outside of the Shoreland"* **(i.e., More than 300 feet from the water).**
- For a totally new structure or surface (e.g., house, deck, patio, etc.) or for an addition to an existing structure or surface, you must enter/calculate the new width, length and area values for that particular structure/surface or addition in their applicable columns below
- "Post-Construction" refers to all impervious surfaces that will exist once your proposed project is completed. Do not include structures/surfaces or portions of structures/surfaces that will be removed from the property.

	Post-Construction (**Existing + New – Removed**) Structure or Surface	Width (ft.)	x	Length (ft.)	=	Area (sq. ft.)	
18	House (roof area).....	30	x	30	=	900	18a
	(or other principal structure)...		x		=		18b
	.....	9	x	12	=	108	18c
	.....		x		=		18d
	.....		x		=		18e
	.....		x		=		18f
19	Deck.....		x		=		19a
	.....		x		=		19b
	.....		x		=		19c
	.....		x		=		19d
20	Patio (area).....		x		=		20a
	.....		x		=		20b
	.....		x		=		20c
21	Porch.....	27	x	8	=	216	21a
	.....		x		=		21b
	.....		x		=		21c
22	Garage (roof area).....	12	x	12	=	144	22a
	.....		x		=		22b
	.....		x		=		22c
23	Shed (roof area).....		x		=		23a
	.....		x		=		23b
	.....		x		=		23c
	.....		x		=		23d
	.....		x		=		23e
24	Sidewalk/Stairway (area).....		x		=		24a
	.....		x		=		24b
	.....		x		=		24c
25	Driveway (area).....	8	x	100	=	800	25a
	.....		x		=		25b
	.....		x		=		25c
26	Compacted parking area.....		x		=		26a
	.....		x		=		26b
	.....		x		=		26c
27	Other.....		x		=		27a
	.....		x		=		27b
	.....		x		=		27c
	.....		x		=		27d

28 Add lines 18 thru 27. This is your **Post-Construction** (Existing + New – Removed) Impervious Surface Area... **2168** 28

29 **Required Post-Construction Site Plan**: Attach, to this worksheet, a site plan of your property (either dimensioned or drawn to scale) showing the postconstruction impervious surface areas listed in Table 2 above. Label this set of plans **Post-Construction** Impervious Surface Area.

⇨ ⇨ ⇨ PROCEED TO PAGE 3 ⇨ ⇨ ⇨

WORKSHEET NO. 1 (PAGE 3)

30 Compare line 28 to line 15.

✓ If Line 28 is less than or equal to line 15, go to line 38.

If line 28 is greater than line 15, go to line 31.

31 Enter the acreage of your property, excluding land within a public road right-of-way..... | | 31 |

(Must be in acres) Call the Zoning Office if you need assistance determining actual lot size.

32 Multiply line 31 by 43,560. This is your lot size in square feet..... | | 32 |

33 Divide line 28 by line 32 ..... | | 33 |

34 Multiply line 33 by 100. This is your **PERCENT IMPERVIOUS SURFACE** ⇨ ⇨ ⇨ ⇨ ⇨ ⇨ ⇨ ⇨ | | % | 34 |

Round to nearest whole number

☐ **LINE 34 IS LESS THAN OR EQUAL TO 15%** - Go to line 35.

☐ **LINE 34 IS GREATER THAN 15% BUT LESS THAN OR EQUAL TO 30% -** Go to line 36.

☐ **LINE 34 IS GREATER THAN 30% -** Go to line 37.

35 Your proposed project complies with the impervious surface standards of Section 17.41(7) of the Barron County Land Use Ordinance – Go to line 38.

36 **Option 1:** Your County Land Use Permit cannot be issued by this department **Until** the property owner develops, submits, agrees to and records a County approved **Mitigation Plan** that meets the standards set forth in Section 17.41(11) of the Barron County Land Use Ordinance. **You also need to submit/complete Worksheet No. 2 (Mitigation Plan), along with all necessary additional documents to this office for review and approval.** Note: The review and approval process typically requires a site visit by Zoning staff.

Option 2: See Section 17.41(7)(e) of the Barron County Land Use Ordinance. Impervious surfaces that can be documented to show they are effectively treated with a device or devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, or other engineered systems are excluded from the impervious surface calculations. **Note:** In order for a device to be proven that it will effectively treat an impervious surface, an engineering plan drafted by a professional engineer must be submitted to this office for review and approval.

Go to line 38

37 **Option 1:** Your project exceeds the maximum amount (percent) of impervious surface area allowed by the Barron County Land Use Ordinance and thus your Land Use Permit **Cannot Be Issued** by this department as proposed. Please contact our office to discuss your options regarding this matter [See office contact information below].

Option 2: See Section 17.41(7)(e) of the Barron County Land Use Ordinance. Impervious surfaces that can be documented to show they are effectively treated with a device or devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, or other engineered systems are excluded from the impervious surface calculations. **Note:** In order for a device to be proven that it will effectively treat an impervious surface, an engineering plan drafted by a professional engineer must be submitted to this office for review and approval.

Go to line 38

38 Complete the information below and submit this form (with site plans, when required) with your Land Use Permit application and any other applicable worksheet to the Barron County Zoning Office for review and approval.

Tax Parcel I.D. # 016-4000-12-000 Site Address (if applicable) 142 183/8 Ave Comstock WI 54826

Property Owner (Print) James Close Daytime

Person completing this form (Print) _____ Daytime Phone (_____) _____ – _____

☑ Same as Property Owner

Signature of **PROPERTY OWNER** James Close Date 8-12-2026

NOTE: THIS FORM/WORKSHEET IS SUBJECT TO REVIEW AND APPROVAL BY THE:

BARRON COUNTY ZONING OFFICE

335 E MONROE AVE, ROOM 2104, BARRON, WI 54822

PHONE: (715) 537-6375 (MONDAY-FRIDAY 8:00AM TO 4:30PM)

WEBSITE: WWW.BARRONCOUNTYWI.GOV

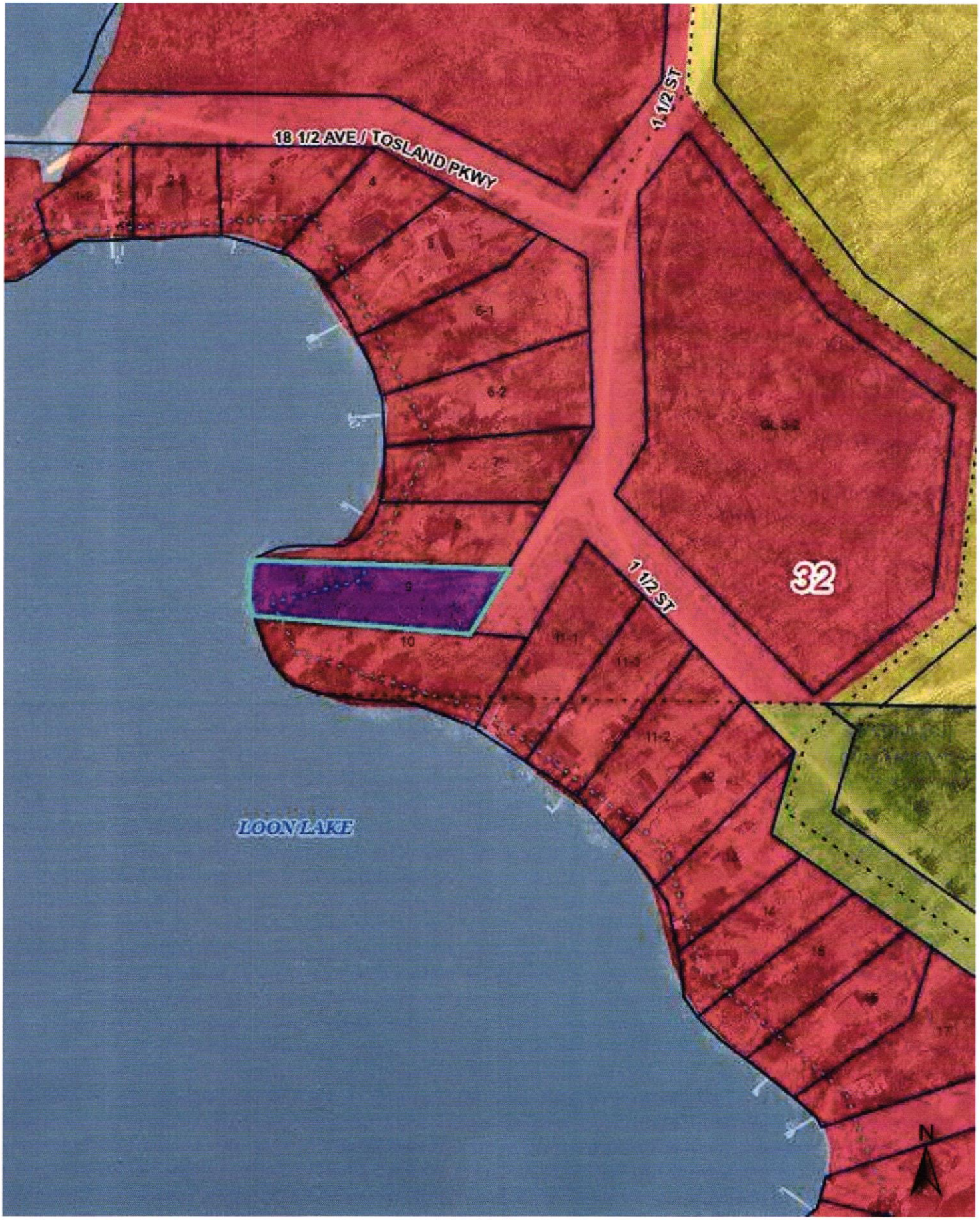
Close

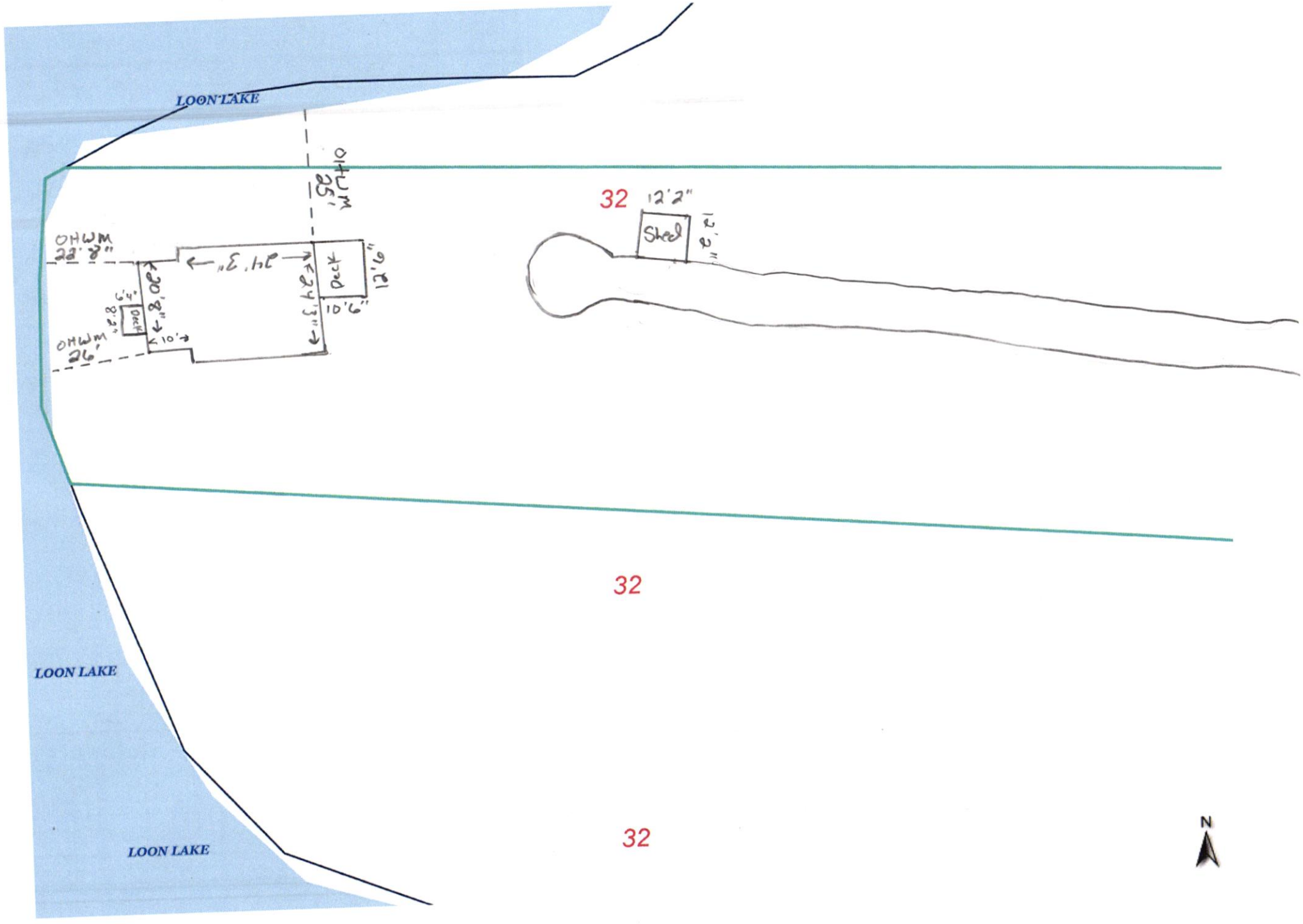
Created by: null



Close

Created by: null




LOON LAKE
OHWM 25'
OHWM 22'8"
24'3"
Deck
12'6"
10'6"
20'8"
6'4"
8'2"
Deck
10'
OHWM 26'
32
12'2"
Shed
12'2"
32
LOON LAKE
LOON LAKE
32
N

ORDINANCES RELATING TO HEARING

Applicant/Owner: James A. & Rebecca J Close **Appeal:** 4026
Previous Appeals: 3777 & 939

Request: Requests a variance to construct an addition to a pre-existing non-conforming dwelling with a reduced setback to the ordinary high water mark to Loon Lake in a Recreational Residential district

Purpose Section 17.02: This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

Intent Section 17.03: It is the general intent of this chapter to regulate and restrict the use of structures, lands, shoreland and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreland cover; and implement the county's general plan or county plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Section 17.36 RECREATIONAL-RESIDENTIAL the Recreational-Residential District is created to provide for a mixture of residential, recreational and commercial uses, with emphasis on commercial uses which relate to the recreational opportunities or which serve the residential properties. This district will be located primarily along or near navigable waters on lands suited for development.

Section 17.41 SHORELAND OVERLAY AREA
The shoreland regulations of the County are adopted for the purposes of promoting the public health, safety, convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, and to preserve shore cover and natural beauty. In addition to the use, dimensional rules and other standards provided for shorelands by the zoning district in which they are located, the following shall apply to all shorelands.

Ordinances relating to this Appeal:

17.73(7)	Variances
17.36	RR- Recreational- Residential

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Avenue
Green Bay, WI 54313-6727

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

September 21, 2026

Barron County Board of Adjustment
Sent via email

Dear Board Members:

The Department of Natural Resources has received the agenda for the September 28, 2026, Board of Adjustment meeting concerning the variance request submitted by James A & Rebecca J Close. The variance request is to construct an addition to a pre-existing non-conforming dwelling with a reduced setback to the ordinary high water mark to Loon Lake in a Recreational Residential district on property described as Lot 9 Nessen's Loon Lake East, located in Section 32, T35N, RI4W, town of Crystal Lake, Banon County, Wisconsin.

The required shoreland setback is 75' from the ordinary high water mark (OHWM) of Loon Lake. Based on the application materials provided, the request is for a 9' x 12' addition located approximately 27' from the OHWM of Loon Lake.

The department is writing in response to the county Board of Adjustment's request for an opinion from the department per Ch. 59.692(4)(b) Wis. Stat. as allowed by law. This letter is based on the information provided in the hearing notice and the application submitted. Please have this letter delivered to and read before the BOA.

Per the information provided by the applicant, the department does not believe the application demonstrated meeting the three statutory criteria for granting a variance. The Snyder vs Waukesha County Zoning Board of Adjustment decision (74 Wis. 2d 468, 478-79, 247 N.W.2d 98) made it clear a circumstance or desire of the applicant is not a factor to be considered when deciding variances. Further, the State vs Winnebago County decision ((196 Wis. 2d 836, 844-45 n.8, 540 N.W.2d 6 (Ct. App. 1995)) established that economic loss or financial hardship do not justify a variance.

As the Board reviews these variance requests, please keep in mind that the applicant has the burden of proving that their request meets all of the statutory requirements for the granting of a variance. That is, the applicant must prove that they will suffer unnecessary hardship if the provisions in the county's shoreland zoning ordinance are literally enforced. The Wisconsin Supreme Court has made it clear that proof of unnecessary hardship by itself does not entitle an applicant to a variance. All three statutory variance criteria must be satisfied in order to grant a variance. It may be possible that the applicant will provide additional evidence at the hearing which may change the conclusions listed below.

Unique physical limitations: The applicant must demonstrate that unique physical limitations (wetlands, steep slopes, streams, rock outcroppings) or special conditions of the property exist that prevent compliance with ordinance regulations. The physical limitations must be unique to the property in question and not generally shared by other properties in the area. When determining if compliance is prevented, the whole parcel must be considered.

The application does not describe any unique physical property limitations but rather points to previous development of the property and interior design of the structure which are limiting.

No harm to public interests: The applicant must demonstrate that variance will not result in harm or be contrary to public interests. The Board must consider the impacts of the proposed project as well as the cumulative impacts of similar projects on the interests of the neighbors, the community, and the general public. These interests are listed in the purpose statement of the ordinance and, for shoreland zoning, include protection of public health, safety and welfare, maintenance of clean water, protection of fish and wildlife habitat, and preservation of natural scenic beauty.

Scientific studies have shown that when projects are constructed within the water setback there can be environmental concerns such as a change in fish species from game fish to rough fish, loss of wildlife habitat, more run-off entering the lake without filtering, loss of natural scenic beauty, etc. Cumulative impacts of repeated projects so close to the water bodies can multiply the impacts of the loss of habitat. From the ordinary high water mark and landward 35 feet is supposed to be maintained as the vegetative buffer zone which is critical for natural scenic beauty, fish and wildlife habitat, and water quality by reducing soil erosion, the flow of effluents, sediments and nutrients.

Part of the proposed structure is located within the vegetative buffer zone and fully located within the shoreland setback. The applicant has not described how an expansion within this area will not cause harm to public interests related to these topics.

Unnecessary hardship: The applicant must demonstrate that if the variance is not granted, an unnecessary hardship exists. The applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, building a home in compliance and then subsequently constructing a deck without a permit). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the Board must consider the property as a whole, rather than just a portion of the parcel.

The owner bears the burden of proving unnecessary hardship. Questions to consider:

- No floor plan or dimensions of the existing structure were provided. Could the interior of the residence be re-arranged to accommodate the mechanical equipment?
- The nonconforming structure is allowed to be vertically expanded up to 35' in height without the need for a variance. This would allow additional floor area without expanding the footprint.
- The application states: "there is simply no available space within the existing home to properly locate the water softener, brine tank, water tank, hot water heater, drains, pipes, vents, electrical, and heating." Where were these items located previously?
- Has the current structure been used as a year-round residence previously? Could a year-round residence be constructed in a compliant location that could be designed and constructed to meet the setback and these needs?

Please note that these comments are in regard to shoreland zoning regulations only, and do not reflect applicable erosion control, waterway permitting, floodplain zoning, or other department regulations.

It is the responsibility of the Board of Adjustment to assure that the statutory standards for the granting of a variance are met. The standards help to ensure protection of the public interest, including the preservation of water quality and fish and wildlife habitat along lakes and rivers. Wisconsin's navigable waterways are held in trust for all people to enjoy. The shoreland setback is important to protect the water quality, natural scenic beauty and the fish and wildlife habitat of Wisconsin's waterways. The Department appreciates your commitment to Barron County's water resources and protection of public interests for future generations.

Sincerely,

Sue VandenLangenberg

Shoreland Zoning Program Coordinator