

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

MARCH 12, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-1820

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

**NEW LAGOON CAMPGROUND
CONDOMINIUM ASSOCIATION,**

Petitioner-Appellant,

v.

**POLK COUNTY BOARD
OF ADJUSTMENT,**

Respondent-Respondent.

APPEAL from an order of the circuit court for Polk County:
ROBERT H. RASMUSSEN, Judge. *Affirmed.*

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. The New Lagoon Campground Condominium Association appeals a trial court order that upheld a land use decision of the Polk County Board of Adjustment. New Lagoon sought certiorari review to overturn the Board's denial of its request for an area variance for the local shoreline set-back requirements for structures. The association's members

wanted to build storage sheds for housing boating equipment within the seventy-five foot shoreline set-back restriction, citing the fact that the land stood only forty-feet deep and would not accommodate the seventy-five-foot set-back restriction.

On certiorari review, the trial court properly upheld the Board's zoning decision if the Board (1) acted within its jurisdiction, (2) properly applied the law, (3) reasonably evaluated the evidence, and (4) issued a nonarbitrary, nonoppressive, reasonable decision. *Snyder v. Waukesha County Zoning Board*, 74 Wis.2d 468, 475, 247 N.W.2d 98, 102 (1976). New Lagoon argues that the Board had an obligation to grant it a set-back variance to build storage sheds adjacent to the grandfathered, set-back breaching trailers that the association's members already kept on the land. We reject this argument and therefore uphold the Board's decision.

The Board had a reasonable basis to deny New Lagoon a storage shed, set-back variance. Variances are proper for unnecessary hardships. *See Snyder*, 74 Wis.2d at 474, 247 N.W.2d at 102. Zoning authorities grant them whenever land would otherwise have no other feasible use. *Id.* Put another way, zoning authorities may exempt landowners if zoning restrictions are unreasonably burdensome. *Id.* at 475, 247 N.W.2d at 102. Here, New Lagoon failed this standard. Its members did not need the storage sheds to make use of the land. They could enjoy the recreational nature of the land without the storage sheds and the items such structures would house. Further, Board meeting participants identified feasible alternative storage arrangements. In sum, New Lagoon has not shown that the Board's set-back variance denial was arbitrary or unsupported by the evidence.

By the Court. – Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.