



Sawyer County

Agenda

Zoning Board of Appeals Meeting
Tuesday, February 16, 2021 @ 6:00 PM
Large Courtroom; Sawyer County Courthouse

Page

1. PUBLIC HEARING INFORMATION

The public is strongly encouraged to access the public hearing remotely due to public health and safety concerns. To view or participate in the **virtual meeting** from a computer, iPad, or Android device please go to <https://zoom.us/j/91511740175>. You can also use the dial in number for listening only at [1-312-626-6799](tel:1-312-626-6799) with the Webinar ID: 915.1174.0175. If additional assistance is needed please contact the Zoning & Conservation Department at 715-634-8288 prior to the meeting.

2. PRELIMINARY MATTERS

- a. Call to Order and Roll Call
- b. State of Committee and Hearing Procedure & Statement of Hearing Procedure
- c. Previous Meetings Minutes
[1-19-2021 BOA Minutes](#)

4 - 6

3. VARIANCE APPLICATIONS

- a. A Public Hearing in the Town of Sand Lake VAR #21-001. Owner: Hathaway Lodge LLC. Part of Government Lot 2, Lot 1, CSM 34/51 #8093; S18, T38N, R09W; Parcel #26-938-18-5211; Zoned Residential/Recreational One (RR-1); 1.21 Total Acres. Application for: The construction of a single story 25'x29' (with eaves) detached accessory structure (garage) which is located 33' to centerline of a 66' private easement road and 5', at the closest rear property line (west). Height of the proposed structure would be 16' from grade to peak. All other setbacks would be met. Variance requested as: Section 4.21 (3) Sawyer County Zoning Ordinance, Setback Requirements on Highways and Roads would require the prior granting of a variance for accessory structures less than the required 63' from the centerline of a private driveway easement that is 66' in width. Additionally, Section 18.4 (a) Sawyer County Zoning Ordinance,

7 - 27

Dimensional requirements would require the prior granting of a variance for structures less than 40' rear lot line setback.

[VAR #21-001, Hathaway Lodge LLC](#)
[Staff Report - Hathaway Lodge LLC](#)

- b. Discussion/Action in the Town of Sand Lake VAR #21-001.
Owner: Hathaway Lodge LLC.
Part of Government Lot 2, Lot 1, CSM 34/51 #8093; S18, T38N, R09W; Parcel #026-938-18-5211; Zoned Residential/Recreational One (RR-1); 1.21 Total Acres.
Application for: The construction of a single story 25'x29' (with eaves) detached accessory structure (garage) which is located 33' to centerline of a 66' private easement road and 5', at the closest rear property line (west). Height of the proposed structure would be 16' from grade to peak. All other setbacks would be met. Variance requested as: Section 4.21 (3) Sawyer County Zoning Ordinance, Setback Requirements on Highways and Roads would require the prior granting of a variance for accessory structures less than the required 63' from the centerline of a private driveway easement that is 66' in width. Additionally, Section 18.4 (a) Sawyer County Zoning Ordinance, Dimensional requirements would require the prior granting of a variance for structures less than 40' rear lot line setback.

4. APPEALS

- a. None

5. NEW BUSINESS

- a. Board of Appeals By-Laws Amendment. Discussion Only.
[BOA REV7 By-Laws Amendment](#)
[BOA REV7 Redline By-Laws Amendment](#)
- b. Any other business that may come before the Committee for discussion.

6. ADJOURNMENT

7. QUORUM

A Quorum of the County Board of Supervisors or any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a

determination that attendance at the meeting is necessary to carry out the Board or committee's function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEAL
January 19, 2021**

Board of Appeals

Al Gerber, Chairman
Laura Rusk, Vice Chairman
Mark Olson
Steve Kelsey
Dee Dobilas
Gordon Christians
James Tiffany

Zoning Administration

Jay Kozlowski, Zoning & Conservation Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator
Pat Brown, Assistant Zoning & Conservation Administrator

PRELIMINARY MATTERS

- 1) Call to Order and Roll Call
Kozlowski called the Public Hearing before the Sawyer County Zoning Board of Appeals to order at 6:04 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called and finds present: Kelsey, Rusk, Olson and Dobilas virtual. Gerber is absent. Kozlowski and Brown from Zoning Department. Marks absent.
- 2) Statement of Board and Hearing Procedures.
Those wishing to speak will be afforded the opportunity provided they identify themselves. Kozlowski gave order of submitting files to BOA, taking testimony, and making a decision. He requests orderly procedure and gives appeal deadline.
- 3) Statement of Hearing Notice.
The Public Hearing Notice was published as a Class 2 Notice in accordance with Chapter 985 of the Wisconsin Statutes in the Sawyer County Record and Sawyer County Gazette.

APPEAL

Withdrawn

- 1) A Hearing for the Town of Round Lake. Appeal #20-001. Owners: A&D Contracting & Development, LLC and SMM Properties, LLC. All in Part Government Lot Two (2), Lot 1 CSM 36/290 #8480 and Lot 2 CSM 36/290 #8480;

S30, T41N, R07W; Parcel #024-741-30-5239; Zoned Residential/Recreational One (RR-1); 3.06 Total Acres. Development of lands in the Town of Round Lake West of Sandy Beach Road. Appeal is for the Zoning Administrator's approval of Certified Survey Maps for the development of lots. The approval of the certified survey map in question is an appeal of Sawyer County Ordinances for the following reasons: 1) The certified survey map violates Section 4.0(1) of the Sawyer County Subdivision Control/Condominium Ordinance; and 2) The approval of the CSM is in violation of the Department of Natural Resources' determination with regard to wetlands present on or adjacent to the subject parcel. Kozlowski reads appeal application into record. He also reads signed email withdrawing the application by Dozier. Discussion by Board. Motion by Olson to approve the withdraw of Appeal case #20-001, second by Rusk. All in favor. Motion carried.

NEW BUSINESS

Reconsideration of the Betz variance. VAR #20-002, Mullen – Betz. A Reconsideration of Public Hearing for the Town of Round Lake. VAR #20-002, James Mullen & Barbara Betz. Part of Government Lot 5; S30, T41N, R05W; Parcel #024-541-30-5516; 1.54 Total Acres; Zoned Residential/Recreational One (RR-1). Previous VAR #20-002 was approved for a 10'x14' addition on November 17, 2020. Application is for a reconsideration of a 9' x 15'6" attached bathroom and screen porch addition onto an existing principal structure located 26' at the closest point to the OHWM of Moose Lake. The proposed expansion would be 50.5' to the OHWM. (See inspection report drawing). Variance requested as: Section 6.1, Sawyer County Zoning Shoreland-Wetland Protection Ordinance, would require the prior granting of a variance for any new structures located closer than 75' to the OHWM with no other exempt structures or reduced setback provisions. Kozlowski reads Town approval with no comment. Kozlowski reads email from Barbara Betz stating the there will be no screen porch. Kozlowski reads opinion letters. Olson discusses By-Laws regarding reconsideration of the case. Kozlowski explains his interpretation of the reconsideration in the By-Laws. Discussion continues with Board and Kozlowski. Olson motions to not hear the reconsideration, No second. Motion fails. Discussion continues with Board and Kozlowski. Motion by Rusk to deny the hearing of the reconsideration citing 10.4 Reconsideration on Board Motion – A decision of the Board may be reconsidered by motion to reconsider made at the same meeting which may be immediately disposed of with out further notice, of the By-Laws and 10.6 Procedures for Reconsideration – A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused to an interested party who has requested reconsideration, the Board shall enter on the minutes the basis of the request, the reason why it was refused and the vote of the Board members thereon, of the By-Laws and refund of the filing fee to the property owners. Second by Olson. No discussion held. Vote 4 to 0. Motion carried.

- 1) Reconsideration for Big Fish VAR #20-004 regarding sign lighting. Kozlowski advises not to hear the reconsideration of VAR #20-004 until the 1- year timeline has passed. Rusk agrees.
- 2) Discussion held regarding the amending of the By-Laws held by Board and Kozlowski.

ADJOURNMENT

Motion to adjourn by Olson, second by Kelsey, all in favor. Motion carried.

Minutes prepared by Pat Brown, Assistant Zoning & Conservation Administrator and Kathy Marks, Deputy Zoning & Conservation Administrator

For more information please see our website at sawyercountygov.org

Variance Application # 21-001

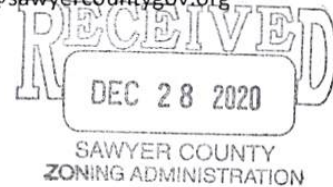
Town of: Sand Lake

Date of Public Hearing: February 16, 2021

Return Original

Mail Original to: Sawyer County Zoning & Conservation
10610 Main Street, Suite #49
Hayward, WI 54843
715-634-8288

Email: Kathy.marks@sawyercountygov.org



Owner: Hathaway Lodge LLC

Address: PO Box 161

Phone: 715-492-0265

Email: _____

Legacy PIN#026-938-18-5211 #42257

Acreage: 1.210

Zoned: Residential Recreational One (RR1)

Property Description: Part Govt Lot 2 Lot 1 CSM 34/51 #8093 S18 T38N R 09W Town of Sand Lake 3652N N Boxing Camp Trail

Application for: The construction of a single story 25'x 29' (with eaves) detached accessory structure (garage) which is located 33' to centerline of a 66' easement road and 5', at the closest point, to a rear property line (west). Height of this proposed structure will be 16' from final grade to peak. All other setbacks would be met.

Variance is requested as: Section 4.21(3) Sawyer County Zoning Ordinance, Setback Requirements on Highways and Roads would require the prior granting of a variance for accessory structures less than the required 63' from C/L of a private driveway easement that is 66' in width. Additionally, Section 18.4(a) Sawyer County Zoning Ordinance, Dimensional Requirements would require the prior granting of a variance for structures less than the 40' required rear yard setback.

*Please Print & Sign (Property Owner)

The above person(s) hereby make application for a Variance. The above certify that the listed information and intentions are true and correct. The above person(s) hereby gives permission for access to the property for onsite inspection by Municipal Officials.

Steven A. Frankschuh - Hathaway Lodge, LLC - Sole owner

Name, Address, Phone & Email of Agent:

Fee: \$500.00



Town of Sawyer
County of Sawyer

Variance Application # _____

TO: Sawyer County Zoning & Conservation Administration
10610 Main Street, Suite #49
Hayward, Wisconsin 54843

Email: Kathy.marks@sawyercountygov.org
Phone: 715-634-8288

Owner: HATHAWAY Lodge LLC

Address: PO Box 161

Phone number: 715-492-0265 E-mail address: N/A

Property Description: 3652 N Boxing Camp Trail, Stone Lake, WI 54876

Acreage: _____ Zone District: RR-1

Application is for:
Garage Set back Variance 22x26 which includes eaves

Variance is requested as:
Garage sideline set backs, road setback, possible rear variance
22'x26' which includes eaves

Public Hearing Date: for February 2021
Other Information:
There is no other site on lot for new garage

Signature of Agent(s) _____

Steven Frugdehub
Signature of Owner(s) Sale owner
Hathaway Lodge LLC

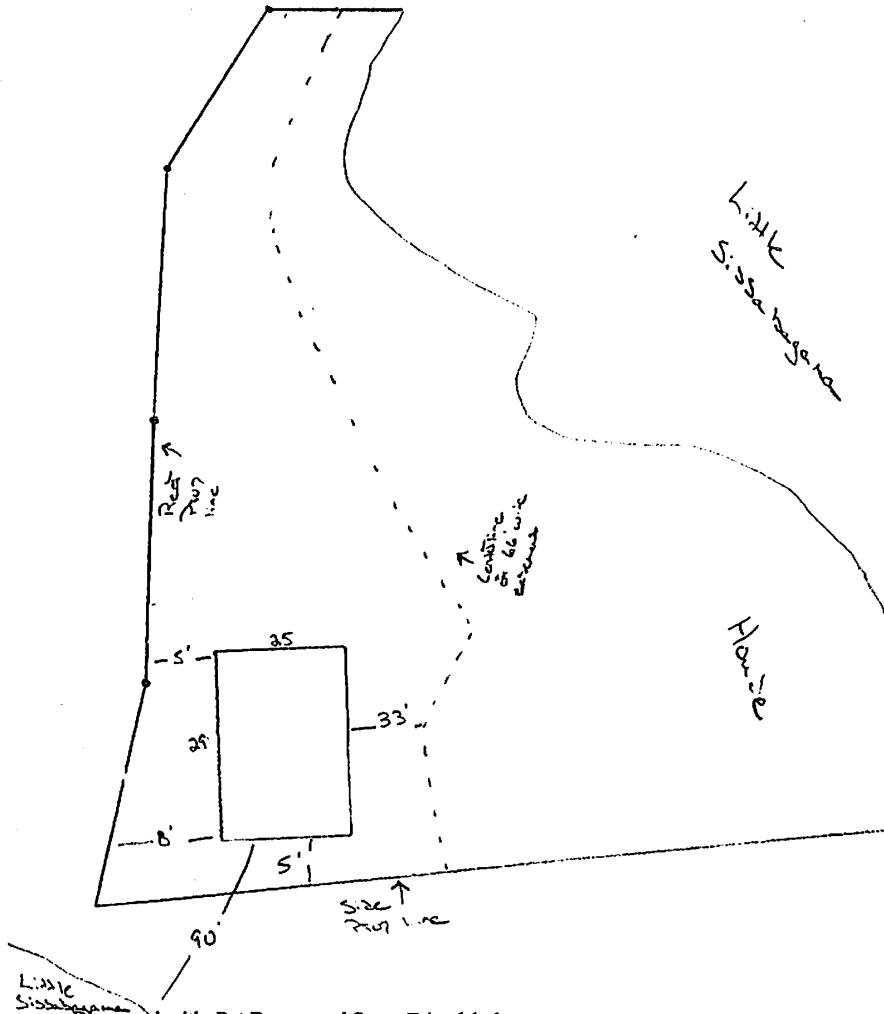
The above person(s) hereby make application for a variance. The above certify that the listed information and intentions are true and correct. The above person hereby gives permission for access to the property for onsite inspection.
(May 2020)

**Sawyer County Zoning Administration
Inspection Report**

Owner(s) Hathaway Lodge LLC
 Address PO Box 161 Stone Lake, WI 54876
 Agent/Purchaser N/A
 Address N/A
 Bldr/Fiber/CST N/A
 Address N/A

Inspection ☒ Private ☐ Public Violation ☐ Zoning ☐ Sanitation
☐ Dwelling ☐ Mobile Home ☐ Commercial ☒ Garage ☐ Addition
☒ Setback - Lake ☒ Setback - Road ☒ Setback - Lot Line ☐ Soils Verification
☐

WD#393044 1.21 acres RR-1 CSM 34-51 3652N Boxing Camp Trail



Discussed with Pat Brown and Steve Friendshuh

Date & Time 11/19/2020 2:00 PM

Signature of Inspector [Signature]

Owner(s) Hathaway Lodge LLC Town of Sand Lake Govt Lot PRT 2 1/4 1/4 S 18 T 38 N R 09 W
 Lot(s) 1 CSM 34/51 Blk(s) _____ Subdivision _____ Computer # 026-938-18-5211 Parcel(s) _____

APPLICATION FOR VARIANCE
SAWYER COUNTY BOARD OF APPEALS
ADDITIONAL INFORMATION
(To be completed by applicant)

Completed by STEVEN A. FRANOSHUK - Hawthorn Lodge LLC
(First Name) (MI) (Last Name) Sole owner

The purpose of this form is to provide you with information that pertains to the granting of "area/dimensional" variances and to assist you in preparing for your presentation before the Sawyer County Board of Appeals. Use additional paper for responses if required. Example responses are not related to any variance ever reviewed by the Board of Appeals. **This form will become a part of your application packet and is to be returned to the Zoning Department by the variance application deadline.**

Part 1. Applicant supplied Information.

Current use of your property & improvements - (e.g., "Property contains a residential home with a detached garage.").

Property contains a house (residential) w/ no garage. This home is currently under construction

Describe the variance requested - (e.g., "Add a 15' x 20' addition to the side of the home.").

add a detached garage

Describe the effects on the property if the variance is not granted - (e.g., "The addition is required for year-round living and protecting property value.").

The addition is needed for year-round living and protecting property value

Describe alternatives to the requested variance such as other locations, designs and construction techniques. Attach a site map showing alternatives that you considered in each category below.

- a) Alternatives you considered that will comply with existing standards. If you find such an alternative, you may move forward with this option with a regular permit. If you rejected compliant alternatives, provide the reasons that you rejected them.

(e.g., "Space is not available to expand in any other direction or location. House is too close to the side lot lines and the lake.")

There is no other place on this lot to put a new garage without requesting a variance. Lake setbacks cannot be kept and road setbacks cannot be made with any other location on the lot.

- b) Alternatives you considered that require a lesser variance and reasons you rejected them.

(e.g., "Addition is the minimum size that is required.").

The new garage is at a minimum size and does keep a 75' + setback from the lake. Road and sideline setbacks cannot be kept.

Describe the impact on your property and adjacent properties if the variance is granted.

(e.g., "Erosion during construction – will be controlled with silt fencing.

After construction there will be a greater impervious surface area.

Gutters and downspouts will be used to divert water away from other properties and the lake. Shoreline buffer zone will be planted with native vegetation, trees and shrubs.").

Erosion control will be kept with silt fence and water runoff will be kept within the said lot 1 on Boxing Camp trail. This site is lower than the roadway and will be hardly seen.

Part 2: Three-Step Test.

To qualify for your requested variance, you must demonstrate that your property meets the following three requirements. *This is known as the "three-step test."*

1) Unique Property Limitations.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances 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 or the Town Board do not provide a basis for granting a variance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

☒ Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives considered. *There is not a alternative location (e.g., "There is a wetland area that extends around one side of the house and also behind the house."). There is a overhead power line behind the new home and a garage cannot be located there*

☐ No. A variance cannot be granted.

2) No Harm to Public Interests.

A variance may not be granted which results in harm to public interests. In applying this test, the Board of Appeals must consider impacts of your proposal and the cumulative impacts of similar projects on the interests of the neighbors and the entire community. Some, but not necessarily all of these considerations are: (1) Public health, safety and welfare, (2) water quality, (3) fish and wildlife habitat, (4) natural scenic beauty, (5) minimization of property damages and (6) achievement of eventual compliance for nonconforming uses, structures and lots.

Explain how the granting of this variance would not harm the public interests or how it may even enhance the public interests.

- Granting this variance would not harm the public interests. The garage will hardly be noticeable from the road or from the nearest neighbor as it sits in a much lower area than the*
- 3) Unnecessary Hardship. *Neighbor or people passing by on the roadway*
An applicant may not claim 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 that there is no suitable location for a home.). 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 just a portion of the parcel.

You are applying for an "area variance." An area variance relaxes a dimensional standard such as a setback, frontage, lot area, or height. For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The importance of the public purposes of the ordinance, the degree to which the restriction supports those purposes and the extent of the relaxation of the restriction are weighed against the limitations full compliance would impose on use of the property.

Is unnecessary hardship present?

- ☒ Yes. Describe. *There is not another location that the garage could be put on because of the limitations of the existing lot.*
- ☐ No. A variance cannot be granted.

Real Estate Sawyer County Property Listing

Today's Date: 1/5/2021

Property Status: **Current**
Created On: 3/3/2016 10:30:54 AM

Description

Updated: 8/5/2016

Tax ID:	42257
PIN:	57-026-2-38-09-18-5 05-002-000110
Legacy PIN:	026938185211
Map ID:	
Municipality:	(026) TOWN OF SAND LAKE
STR:	S18 T38N R09W
Description:	PRT GOVT LOT 2 LOT 1 CSM 34/51 #8093
Recorded Acres:	1.210
Calculated Acres:	1.543
Lottery Claims:	0
First Dollar:	No
Waterbody:	Little Sissabagama Lake
Zoning:	(RR1) Residential/Recreational One
ESN:	423

Tax Districts

Updated: 3/3/2016

1	State of Wisconsin
57	Sawyer County
026	Town of Sand Lake
650441	Birchwood School District
001700	Technical College

Recorded Documents

Updated: 11/21/2017

ROAD MAINTENANCE AGREEMENT	
Date Recorded: 11/17/2017	409817
CERTIFIED SURVEY MAP	
Date Recorded: 11/18/2015	398712
CERTIFIED SURVEY MAP	
Date Recorded: 10/26/2015	398335
WARRANTY DEED	
Date Recorded: 11/3/2014	393044
QUIT CLAIM DEED	
Date Recorded:	307046 QCD833/25

Ownership

Updated: 3/3/2016

HATHAWAY LODGE LLC	STONE LAKE WI
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Billing Address:

HATHAWAY LODGE LLC
PO BOX 161
STONE LAKE WI 54876

Mailing Address:

HATHAWAY LODGE LLC
PO BOX 161
STONE LAKE WI 54876

Site Address

* indicates Private Road

3652N BOXING CAMP TRL *	STONE LAKE 54876
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Property Assessment

Updated: 9/28/2017

2020 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	1.210	92,500	0

2-Year Comparison

	2019	2020	Change
Land:	92,500	92,500	0.0%
Improved:	0	0	0.0%
Total:	92,500	92,500	0.0%

Property History

Parent Properties	Tax ID
57-026-2-38-09-18-5 05-002-000100	42256

HISTORY [Expand All History](#)

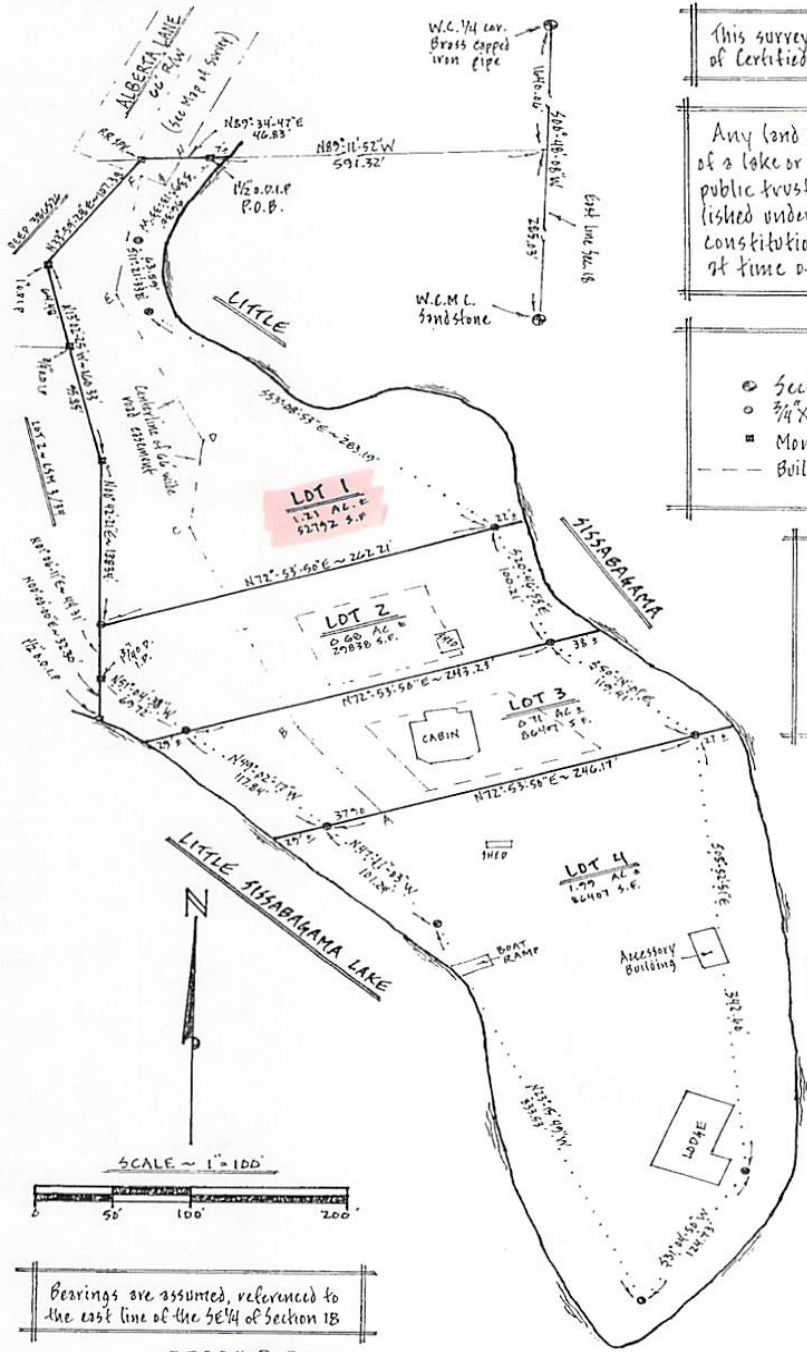
White=Current Parcels Pink=Retired Parcels

- Tax ID:** 28053 **Pin:** 57-026-2-38-09-18-5 05-002-000030 **Leg. Pin:** 026938185203 **Map ID:** :2.3
- Tax ID:** 42230 **Pin:** 57-026-2-38-09-18-5 05-002-000090 **Leg. Pin:** 026938185209
- Tax ID:** 28053 **Pin:** 57-026-2-38-09-18-5 05-002-000030 **Leg. Pin:** 026938185203 **Map ID:** :2.3
- Tax ID:** 42229 **Pin:** 57-026-2-38-09-18-5 05-002-000080 **Leg. Pin:** 026938185208
- Tax ID:** 28053 **Pin:** 57-026-2-38-09-18-5 05-002-000030 **Leg. Pin:** 026938185203 **Map ID:** :2.3
- Tax ID:** 42228 **Pin:** 57-026-2-38-09-18-5 05-002-000070 **Leg. Pin:** 026938185207
- Tax ID:** 42256 **Pin:** 57-026-2-38-09-18-5 05-002-000100 **Leg. Pin:** 026938185210

[42257](#) This Parcel [↑](#) Parents [↓](#) Children

CERTIFIED SURVEY MAP

Part of Government Lot 2, Section 18-T38N-R9W, Town of Sand Lake, Sawyer County, Wisconsin



This survey is a re-subdivision of all of Certified Survey #8087 (V34, P3B)

Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX, Section 1 of the state constitution. Water level and OHWM same at time of survey.

LEGEND

- Section corner found as noted
- 3/4" x 18" iron bar set (150 lbs./ft)
- Monument found as noted
- Buildable area boundary

DRIVEWAY EASEMENT CENTERLINE

A-B	N39°15'06"W ~	89.40'
B-C	N09°45'39"W ~	180.36'
C-D	N06°39'29"E ~	72.87'
D-E	N26°04'20"W ~	129.42'
E-F	N07°57'06"E ~	94.91'
F-H	S62°04'58"E ~	17.36'
H-M	N26°26'25" ~	27.37'



David F. Rieder
11-5-15

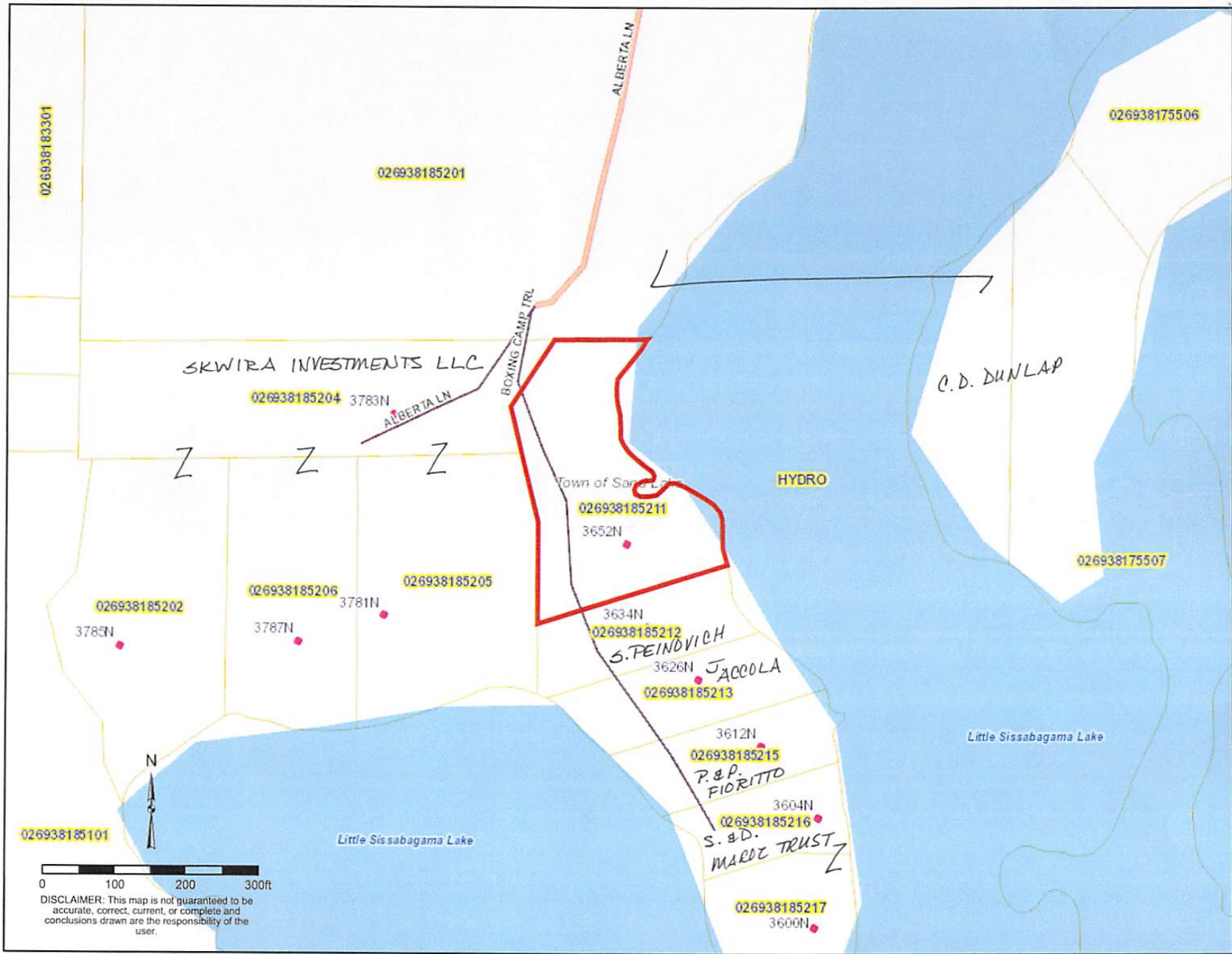
CSM# 8093

398712 1 of 3

VOL 34

SHEET 1 OF 3

PG 51











Application for Land Use Permit (*Shoreland*)
Sawyer County Zoning & Conservation
10610 Main St. Suite 49 - Hayward WI 54843
715/634-8288

*Property that has any water bodies located within the property's boundaries.
CONSTRUCTION SHALL NOT BEGIN UNTIL ALL REQUIRED PERMITS HAVE BEEN ISSUED.
USE BLACK OR BLUE INK, MUST BE LEGIBLE OR APPLICATION WILL BE RETURNED.

Owner <u>HATHAWAY Lodge LLC</u>	Builder <u>MARK FRIENDS HUB</u>
Mailing Address <u>Po Box 161</u>	Mailing Address <u>Po Box 161</u>
City, State, Zip <u>STONE Lake, WI 54876</u>	City, State, Zip <u>STONE Lake, WI 54876</u>
Daytime Phone <u>715-492-0265</u>	Daytime Phone <u>715-492-0265</u>
Email <u>N/A</u>	<u>Lot 1</u>
Site address: <u>Boxing Camp Trail</u> or applied for <u>✓</u>	

Proposed construction or use:

- (☒) New or replacement dwelling/primary building. Number of bedrooms: _____
() New or replacement accessory structure
() Addition or alteration to dwelling/primary building. Number of bedrooms: _____ (If adding)
() Addition or alteration to accessory structure
() Other _____

Construction Cost: Dwelling \$ 125,000⁰⁰

Accessory Building: \$ _____ Addition/Alteration: \$ _____

Additional information:

NEW HOME
Describe what you are building. List each project (from what you have checked above).

Project #1. Size of footprint 26 ft. x 40 ft = 1040 sq ft., Total with eaves
2712, Total habitable space 2380 includes lofts/basement, Height from
Grade to Peak 20

SCREEN PORCH
Project #2. Size of footprint 14 ft. x 14 ft = 196 sq ft., Total eave
footage 318, Total habitable space 196 includes lofts/basement, Height
from Grade to peak 15

OPEN DECK
Project #3. Size of footprint 8 ft. x 40 ft = 320 sq ft., Total eave
footage 320, Total habitable space 320 includes lofts/basement, Height
from grade to peak 9

Calculate impervious surface. (Roofed/paved or other surfaces water cannot penetrate.
The Zoning Office can help you determine if a surface is considered impervious.)

Calculate lot area:

Determine lot width in feet: _____ Multiply by lot depth in feet _____
Total: 507 sq ft. or Lot size from CSM or NOVUS

Calculate impervious surface area:

Determine the total size in square feet of your projects listed above (include eaves):
3030 sq ft.

Determine the total size in square feet of all existing roofed structures (include eaves):
N/A sq ft.

Determine the total size in square feet of all existing paved/bricked/blockaded surfaces: N/A sq ft.

Add these square foot measurements to determine total impervious surface: 3030 sq ft.

Divide total impervious surface by lot area x 100 5.75% = Total Used.

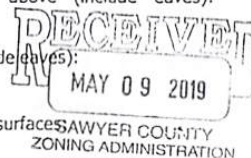
Office Use

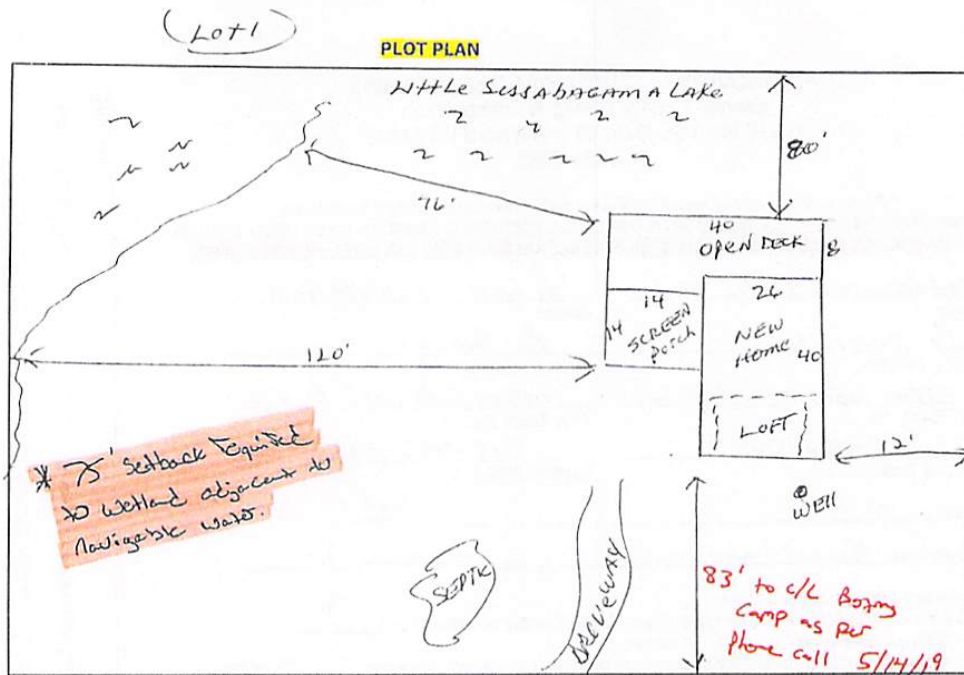
Issue Date 6/20/19

Signature of issuing agent [Signature]

Legacy PIN 046-938-18-5211

Office Use





- Show lot dimensions and indicate north.
- Draw the location, size, and dimensions of each structure on the property from overhangs.
- Indicate new structure.
- Show driveway access.
- Draw the location of the septic system and distance to structure.
- Show the distance to the shoreland of the waterbody.
- Show the distance from the structure to road centerline, lot lines, wetlands.
- Shoreland vegetative buffer:
- Indicate on the above drawing any existing buffer zone.

*****Notice*****

Land Use Permits expire one year from issue date. No Refunds after issue of permit.

A GRADING permit needs to be obtained when contiguous soil or land disturbance exceeds 10,000 ft, but not to exceed 43,559 square feet.

"You are Responsible" for complying with State & Federal Laws concerning construction near or on Wetlands, Lakes & Streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information visit the Department of Natural Resources wetlands identification web page or contact the Department of Natural Resources Service Center."

The undersigned certifies that the listed information and intentions are true and correct, that all work shall be performed in compliance with the requirements of the Sawyer County Zoning Ordinance and the laws and regulations of the State of Wisconsin. The undersigned person(s) hereby give permission for access to the property for onsite inspection by Municipal Officials.

Steven Friendshuh - HATHAWAY Lodge LLC STEVEN FRIENDSHUH
Original Signature of property owner (or agent with Power of Attorney). Print & Sign.

Permit Fee \$ 500 Cash or Check # 314 Initialled by 314
3/1/2018



Sawyer County Zoning & Conservation Department

10610 Main Street, Suite 49

Hayward, WI 54843

pat.brown@sawyercountygov.org

Fax (715) 638-3277

(715) 634-8288

VARIANCE REQUEST STAFF REPORT

Applicant:

Hathaway Lodge LLC
PO Box 161
Stone Lake, WI 54876

Property Location:

3652N BOXING CAMP TRL
Parcel # 026-938-18-5211

Summary of Request:

The applicant, Hathaway Lodge LLC, is requesting a variance to build a 25' x 29' (with eaves) detached garage which is located 33' to the centerline of a 66' private easement road (Boxing Camp Trail) and 5', at the closest point, to a rear property line (west). Height of this proposed structure will be 16' from final grade to peak. All other setbacks would be met.

Project History:

This property was issued for a land use permit for new home in 2019 and new sanitary permit in 2019 and revised 2021. The placement of that structure and the in-ground sanitary system has eliminated area for the garage on the same side of the easement road.

The applicant, is applying for relief of a County Easement Road Setback and Rear Lot Line Setback. The Sawyer County Zoning Ordinance per Section 4.21(3) Sawyer County Zoning Ordinance, Setback Requirements on Highways and Roads would require the prior granting of a variance for accessory structures less than the required 63' from C/L of a private driveway easement that is 66' in width. Additionally, Section 18.4(a) Sawyer County Zoning Ordinance, Dimensional Requirements would require the prior granting of a variance for structures less than the 40' required rear yard setback.

On-site Notes/Comments:

See attached inspection report completed by Pat Brown.

As part of the onsite visit on 11/19/20 Pat Brown helped the applicant, Steve Friendshuh (Hathaway Lodge LLC) stake out a spot for the proposed dwelling addition and proposed garage placement. Additionally, the rear lot line for this particular lot is the neighboring side lot line which could potentially have a detached accessory structure built at 5' to the same line without a variance.

Hardship/Justification:

Variances seek a relaxation of a standard in the code. The decision to grant a variance must be supported by practical justification, which includes 1.) That the code is unnecessarily burdensome and the landowner is not able to enact a permitted use without a relaxation of the standard; 2.) There are unique limitations on the property that prevent the landowner from meeting the required dimensional standard; and 3.) if the variance is granted, no harm will be done to the public interest or the zoning code. It is the applicants' responsibility to present the case and provide the "burden of proof" as to why the variance should be granted. The personal situation of the applicant, financial hardship, convenience, a growing family, or nearby violations cannot be considered as valid reasons to grant a variance.

Board Decision Checklist:

(Approval Reasons): An unnecessary **hardship is present** and the current code requirements would be **unnecessarily burdensome** and **prevent** the applicant from using the property for a permitted use because: **(Board of Appeals to choose specific conditions unique to property. May add or delete to this list):**

1. No other alternatives exist.
2. The impacts of construction are being minimized by mitigation.
3. A minimal relaxation of code is being granted.
4. A permitted use is not possible on this property without a variance approval.
5. The circumstances are beyond the control of the applicant, and are unique to the property not the applicant.
6. The lot predates zoning regulations.
7. The construction matches the lot and available area.

The **hardship/unreasonably burdensome limitation of setbacks is due to unique physical features or limitations of the property** and not the circumstances of the applicant as follows: **(Board of Appeals to choose specific conditions unique to property. May add or delete to this list):**

1. Very little or no buildable area exists.
2. The buildable area lot is very narrow.
3. The lot depth is very shallow.
4. Steep slopes exist.
5. The setbacks overlap here.
6. There is no other room for a septic system.
7. Overall small lot size.
8. Erosion exists.

The variance **will not harm the public interest or neighboring land uses**, and damage the intent of the zoning code because: **(Board of Appeals to choose specific conditions unique to property. May add or delete to this list):**

1. Visibility is good at the driveway location.
2. Traffic is light.
3. The septic will be upgraded.
4. Traffic is slowed here.
5. A turnaround is proposed.

6. This would make a bad situation better.
7. Good vegetation exists or is proposed.
8. The proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed.
9. A literal enforcement of the zoning code would be unnecessarily burdensome.
10. The testimony in opposition has been considered but no valid reasons could be found to deny.

(Approval Conditions): Therefore, the requested variance is hereby **approved** with the following conditions: **(add or delete as needed):**

1. The development must be in substantial compliance with the site plan and testimony provided at the public hearing.
2. The first floor elevation and filling and grading shall be done in accordance with the site plan and additional information provided at the public hearing.
3. The non-conforming _____ must be removed within ____ days from the time the Land Use Permit is submitted.
4. All other required setbacks must be complied with.
5. All permits must be obtained, including land use, building, and sanitary.
6. All code requirements must be complied with.
7. It is the responsibility of the builder and landowner to protect the neighboring lots, lake, and road during construction.
8. Standard or Individual (pick one) erosion control and/or stormwater management plans (again either or both can be picked) must be in place prior to construction starting.
9. The driveway shall meet all code specifications and shall provide suitable turnaround to prevent backing onto the road.
10. The applicant will allow agents of Sawyer County access to the property to ensure compliance with the terms of this decision, Sawyer County codes, and state and federal Laws.
11. The Board agrees with the concerns of DNR but on-site observations and conditions of approval should mitigate those.
12. Shoreline bufferzone mitigation is required in front of the LCE area of Unit #1

(Denial Reasons): Unnecessary **hardship is not present** and the code requirements are not unnecessarily burdensome and **will not prevent the owner from using the property for a permitted use** because **(Board of Appeals to choose specific conditions unique to property) :**

1. The land owner has reasonable use already.
2. Cumulative impacts can be foreseen.
3. A self-imposed hardship cannot be grounds for an approval.
4. The Board concurs with the concerns expressed by _____.
5. Other alternatives exist such as building in another location or building a smaller structure.
6. A loss of profit or inconvenience is not a hardship.

The **hardship is not due to unique physical features or limitations of the property** and appear to be unique to the applicant as follows **(Board of Appeals to choose specific conditions unique to property):**

1. There are many other similar lots in area.
2. The code requirements are not unnecessarily burdensome and should be adhered to.
3. The hardship is unique to the property owner.

4. This is a self-imposed hardship.
5. No hardship noted.
6. A loss of profit is not a hardship.
7. No unique lot features were noted by the Board.

The variance **will harm the public interest or neighboring land uses**, and damage the intent of the zoning code because **(Board of Appeals to choose specific conditions unique to property)**:

1. An approval would set a precedent.
2. Public safety could be compromised.
3. This would make a bad situation worse.
4. An increase in water runoff and erosion is anticipated.
5. Harm to water quality is anticipated.
6. The proposal appears to be for convenience to the landowner only.
7. An approval would undermine the code and harm the neighboring properties and public interest at large.
8. The landowner should pursue other locations or building plans.

(Denial Conditions): Therefore, the requested variance is hereby **denied** with the following conditions **(Board of Appeals to choose specific conditions unique to property)**:

1. The _____ must be removed within _____ days
2. The applicant will allow agents of Sawyer County access to the property to ensure compliance with the terms of this decision, Sawyer County Codes, and State and Federal Laws.

(Tabled): The requested variance is **tabled** to the () business meeting or () public hearing scheduled for _____, 2020.

1. This will allow the applicant to complete the following:
2. The applicant is instructed to contact the _____ to attempt a resolution.
3. A plat of survey or Certified Survey Map must be made to accurately locate lot lines, buildings, and ROW's.
4. A better site plan with elevations drawings is necessary.
5. An erosion control and stormwater management plan is required, and must be approved by ZAC to address those issues.

REV7

Clean Version: BOA BYLAWS PROPOSED CHANGES after Rebecca

SECTION 10.0 REFILING AND RECONSIDERATIONS

10.1 One Year Refiling Rule

No matter which has been acted upon by the Board concerning the same or part of the same property shall be considered again within one (1) year from the date of the action, except as hereinafter provided.

10.2 Closure of Case

A case will be considered as heard and closed at such time as the Board approves or rejects an application or appeal by motion or when it is considered closed by operation of these rules.

10.3 Reconsideration on Board Motion

A decision of the Board may only be reconsidered under the following:

1. By motion to reconsider made at the same meeting which may be immediately disposed of without further notice, or
2. The Board of Appeals may consider one request for reconsideration by the applicant or a party of record, if:
 - a. A written request is filed with the Zoning Administrator within 30 calendar days after the Board has rendered its decision: and
 - b. A request for reconsideration may be made only where there is an error in fact or law in the decision or where a party has new evidence or material that was not available at the time of the public hearing. The request shall be scheduled for the next regular meeting of the Board of Appeals after the initial 30 days and notice given as required for an original hearing upon payment of the filing fee.

10.4 Procedures for Reconsideration

A simple majority vote shall be sufficient to reconsider a previous decision under section 10.3. If reconsideration is refused to an interested party who has requested reconsideration, the Board shall enter on the minutes the basis of the request, the reason why it was refused and the vote of the Board members thereon.

10.5 Reconsideration Tolls Appeal Period

The filing of a motion for reconsideration shall stop the running of the 30-day period in which a petition to the Circuit Court must be made. The 30-day period will run in such event from the date of a decision not to reconsider is made by the Board, or if the matter is reconsidered, from the date the decision on the reconsidered matter is filed in the Board's office.

REV7

REDLINE BOA BYLAWS PROPOSED CHANGES after Rebecca

SECTION 10.0 REFILING, AND REHEARINGS, AND RECONSIDERATIONS

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~~10.2 Re-openings and Re-hearings Limited~~

~~The Board may not reopen any case upon which a previous hearing has been held, except to correct a manifest error.~~

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