



Sawyer County

Agenda

Zoning Board of Appeals Meeting

Tuesday, June 15, 2021 @ 6:00 PM

Large Courtroom; Sawyer County Courthouse

Page

1.

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 and Statement of Hearing Notice
- c. Approval of April 27, 2021 Minutes
[4-27-2021 BOA Minutes](#)

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3. VARIANCE APPLICATIONS

- a. A Public Hearing for Town of Lenroot. VAR 21-003. Owner: Ronald & Sara Burton. Part of the NW ¼ of the SW ¼; S25, T42N, R09W; Parcel #014-942-25-3202; 0.60 total Acres; Zoned Residential/Recreational One (RR-1). Application requested as: The construction of a 26' x 36' (29' x 39') with eaves accessory structure (garage). The proposed structure would be located 22.5' at the closest point from the centerline of Tanning Point Road (a private driveway easement). Structure to be less than 16' in height. The proposed structure would meet all other setbacks and is not eligible for reduced Town Road setbacks. Variance requested as: Section 4.21 (6), Sawyer County zoning Ordinance would require the prior granting of variance for any structure closer than 30' from the centerline of a private driveway easement that is 33' wide or less in width. Discussion/Action.
[VAR #21-003, Ronald & Sara Burton pkt.](#)

5 - 26

- b. A Public Hearing for the Town of Ojibwa. VAR #21-004. Owner: Aaron Krueger. Part of Government Lot 3; S09, T38N, R06W; Parcel #020-638-09-5307; 1.10 total Acres; Zoned Residential One (R-1). Application requested as: The placement of an 11' x 24' accessory structure (shed). The proposed structure would be located 18' at the closest point of the right-of-way line of State Hwy 27/70 and 73' from the centerline of State Hwy 27/70. Structure to be less than 14' in height. Proposed structure would meet all other setbacks. This shed is currently being temporarily stored on the lot but would be relocated to a new area. Variance requested as: Section 4.21 (1), Sawyer County Zoning Ordinance would require the prior granting of a variance for any structure closer than 130' from the centerline of a Class A highway, or 66' from the right-of-way line. The right-of-way setback would be a greater requirement for the variance with a 55' wide right-of-way distance shown on the North side of the highway.
- Discussion/Action.
- [VAR #21-004, Aaron Krueger pkt.](#)

4. NEW BUSINESS

- a. Any other business that may come before the Board for discussion.

5. ADJOURNMENT

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
April 27, 2021**

Board of Appeals

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

Zoning Administration

Jay Kozlowski, Zoning & Conservation Administrator
Kathy Marks, Deputy zoning & conservation Administrator

PRELIMINARY MATTERS

1) _Call to Order and Roll Call. Gerber called the Public Hearing before the Sawyer County Zoning Board of Appeals to order at 6:00 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Gerber, Rusk, Olson, and Christians. Kozlowski and Marks are present from the Zoning office.

2) Statement of Board and Hearing Procedures and Hearing Notice. Those wishing to speak will be afforded the opportunity provided they identify themselves. Gerber gave order of submitting files to BOA, taking testimony, and making a decision. He requests orderly procedure and gives appeal deadline. 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.

3) Minutes from previous meeting. Motion by Olson to approve the February 19, 2021, second by Rusk. All in favor.

Break at 6:13pm. Gerber calls meeting back to order at 6:20pm.

VARIANCE APPLICATIONS

A Public Hearing in the Town of Bass Lake. VAR #21-002. Owner: Charles & Tracey Gundersen. Part of government Lot 4; S28, T40N, R08W; Parcel #002-840-28-5403; Tax ID#2343; .430 Total Acres; Zoned Residential/Recreational One (RR-1). Application requested as: (ATF) After-the-fact construction of a 12'x15' addition onto an existing principal dwelling. When a permit was issued in 2005, LUP 05-092, it was indicated that a 12'x20' screen porch addition was to be added. The 12'x20' screen porch was permitted and built in that permit time frame but the 12'x15' addition behind the

screen porch was also constructed at that time and was not shown on the permit. The 12'x15' addition in question is located 4' from the side property line. Variance requested as: Section 18.4 Dimensional Requirements of the Sawyer County Zoning Ordinance would require the prior granting of a Variance for a principal structure to be less than 10' minimum on one side and 40' minimum overall side lot line setback. This proposed request would be for an A-T-F Variance for a 4' minimum side lot line setback on one side and 30' total side lot line setbacks. Kozlowski reads the application, Town denial letter, Neighbor opinion letters and summary of the Staff Report. Charles Gundersen, owner of the property speaks in favor of the application. He speaks of the three-step process and how long he has owned the property. Speaking in objection is Bond Sutton, Chairman of the Bass Lake Planning Committee. Discussion with Gundersen, Olson and Kozlowski. Michael Weinert, property owner speaks in objection of the case. Phil Nies, Town of Bass Lake speaks for Justin Hall, Chairman of the Town of Bass Lake in objection and concerns. Discussion held with Gundersen, Board, Kozlowski and audience. No other comments. Discussion held by Board. Motion by Olson to Deny the application, states that it does not meet the three step process. 1) Unnecessary Hardship – The hardship is self-created and the addition is a personal convenience to the owner and is the basis of economic gain. 2) Unique Property Limitation – Property is similar to the nearby properties with no unique property limitations which prevent compliance with the ordinance. There are alternate locations that exist on the property for expansion of structure that would not require a variance. 3) No Harm to Public Interest – Rights to others or property values – Granting would deprive neighbor of right to expected unoccupied space provided for in ordinance. The side yard setbacks are intended to provide unoccupied space for several reasons including to afford room for lawns and trees, promote rest and recreation, to enhance appearance of the neighborhood, and to provide access to light and air. With the neighbor building a new compliant structure, the unoccupied space is reduced to their detriment and the enhancement of the applicant. Second by Christians. No discussion. Vote finds all in favor 4 to 0. Findings of Fact are stated in the Motion by Olson.

NEW BUSINESS

1) Any other business that may come before the Committee for discussion. None

ADJOURNMENT

Motion to adjourn by Rusk, second by Olson, all in favor.

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator.



Sawyer County Zoning & Conservation Department

10610 Main Street, Suite 49

Hayward, WI 54843

jay.kozlowski@sawyercountygov.org

Fax (715) 638-3277

(715) 634-8288

VARIANCE REQUEST STAFF REPORT

Applicant:

Ronald & Sara Burton
417 Old E East
Hudson, WI 54016

Property Location:

Prt NWSW, Sec 25, T42N, R09W, Parcel # 014-942-25-3202, Site Address #12682N Tanning Point Road. 0.6 Acres. Zoned RR-1

Summary of Request:

The applicant(s) are requesting a variance for the construction of a 26' x 36' (29' x 39') with eaves accessory structure (garage). The proposed structure would be located 22.5' at the closest point from the center line of Tanning Point Road, a private driveway easement. Structure to be less than 16' in height. Proposed structure would meet all other setbacks and is not eligible for reduced town road setbacks. The required setbacks for this portion of Tanning Point Road which is a private driveway easement would be 30' from centerline.

Project History/On-site Notes/Comments:

See attached inspection report completed by Jay Kozlowski.

As part of the onsite visit on 04/12/21 Jay Kozlowski measured out the setback distances and verified the measurements. There would be a few large trees that would require removal in this area and some additional earth moving/grading. The applicant will need to work with the Sawyer County Zoning & Conservation Department on a grading permit if the proposed garage variance is approved. The applicant was also exploring the option of installing a rain garden in the area between the proposed garage and existing boat house area. This type of rain garden installation wouldn't be needed unless conditioned for approval by the BOA

The applicant would also be removing the existing shed from the property or potential relocating it to the other side of the lot if it can meet the required road setbacks, sewer system setbacks, and lake setbacks.

There have been several other recent garage variances that were approved on this stretch of Tanning Point Road. The most recent were VAR 19-002 which allowed a 26'x28 with eaves garage at a setback of 20' and VAR 16-008 which allowed a 25.5'x32' with eaves garage at a setback distance of 21.5 to the centerline of Tanning Point.

With the proposed garage and relocation of the existing shed impervious surfaces would be approximately 13.39% per the land area.

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.

(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):**

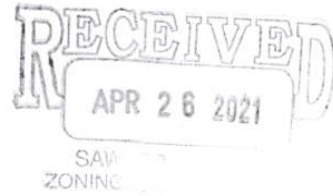
1. An approval would set a precedent.
2. Public safety could be compromised.
3. This would make a bad situation worse.
4. An increase in water runoff and erosion is anticipated.
5. Harm to water quality is anticipated.
6. The proposal appears to be for convenience to the landowner only.
7. An approval 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 _____, 2021.

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.



Variance Application Request

Property Owner: Ronald Burton & Sara Burton

Address: 417 Old E East, Hudson, WI 54016 Phone: 715-222-4887 Email: chiefrburton@hotmail.com

Property Description: Part NWSW Sec25 T42N R09W, Parcel # 014-942-25-3202 #12682N Tanning Point Road

Acreage: 0.6 Zoned: Residential/Recreational One (RR-1)

Application requested:

The construction of a 26' x 36' (29' x 39') with eaves accessory structure (garage). The proposed structure would be located 22.5' at the closest point from the center line of Tanning Point Road, a private driveway easement. Structure to be less than 16' in height. Proposed structure would meet all other setbacks and is not eligible for reduced Town Road setbacks.

Variance requested as:

Section 4.21(6), Sawyer County Zoning Ordinance would require the prior granting of variance for any structure closer than 30' from the centerline of a private driveway easement that is 33' wide or less in width.

Property Owner(s) Signature Ronald L. Burton Rf Burton
Print & Sign Print & Sign

Agent Signature(s), address, phone &

Email: _____

Date of Meeting 6-15-2021

Fee: \$500.00

Pd. \$75,-, 2-17-21

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.
{January 2021} \$500.00

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

Completed by Ronald L Burton
(First Name) (MI) (Last Name)

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.").

Cabin, boat house & small storage shed
are currently on property.

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

Add a 26' x 36' 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.").

I currently have very little storage space
and no garage! I only have two bedrooms and
would put temporary guest quarters in the new garage.

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.")

Because of lot size & 75' set back from
the waters edge any location of a garage
will require a variance for reduced road set back.

- b) Alternatives you considered that require a lesser variance and reasons you rejected them.
(e.g., "Addition is the minimum size that is required.").

Building a narrower garage would require a lesser variance. I would like the addition space in the proposed garage so I don't have to leave items outside.

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.").

I would remove the existing shed if granted the variance for the garage.

I also plan on installing a rain garden next to the garage to hold the water from the garage roof.

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.

(e.g., "There is a wetland area that extends around one side of the house and also behind the house.").

The lot size dictates that I have no other area to construct garage

☐ 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.

There are other properties that have structures within the road setback. By adding a rain garden, it will help keep present runoff from going into the lake.

3) Unnecessary Hardship.

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.

Because of lot size there is not room to build a garage large enough to meet my needs which includes storage of vehicles, storage of personal property and temporary guest quarters.

☐ No. A variance cannot be granted.

INS 21-001

Owner(s) BURTON, RONALD & SARA

Town of LENROOT

Govt Lot PRI
$$\frac{\text{NW}1/4}{\text{SW}1/4}$$

S	T
<u>25</u>	<u>42 N</u>

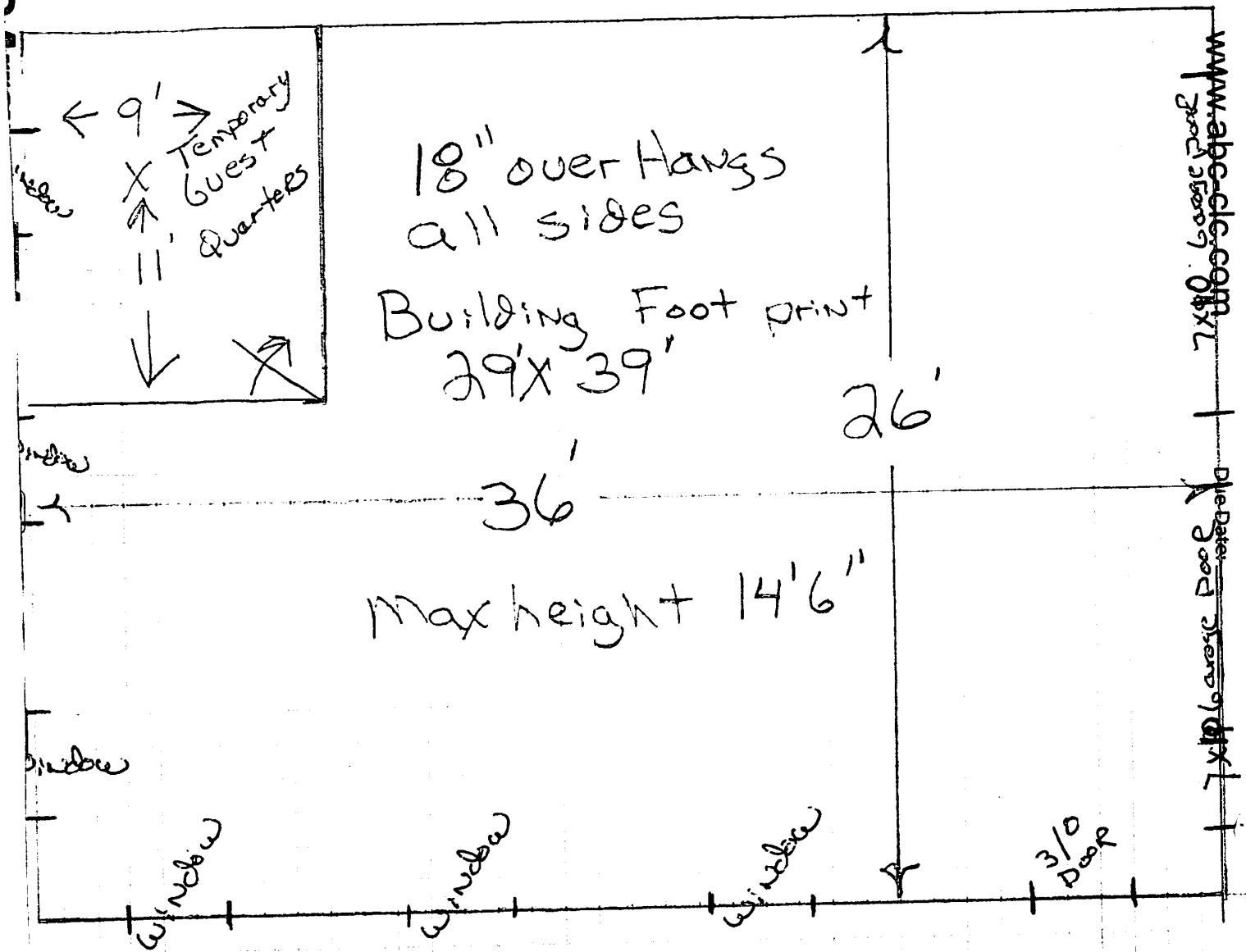
R 09
WParcel(s) .10.2

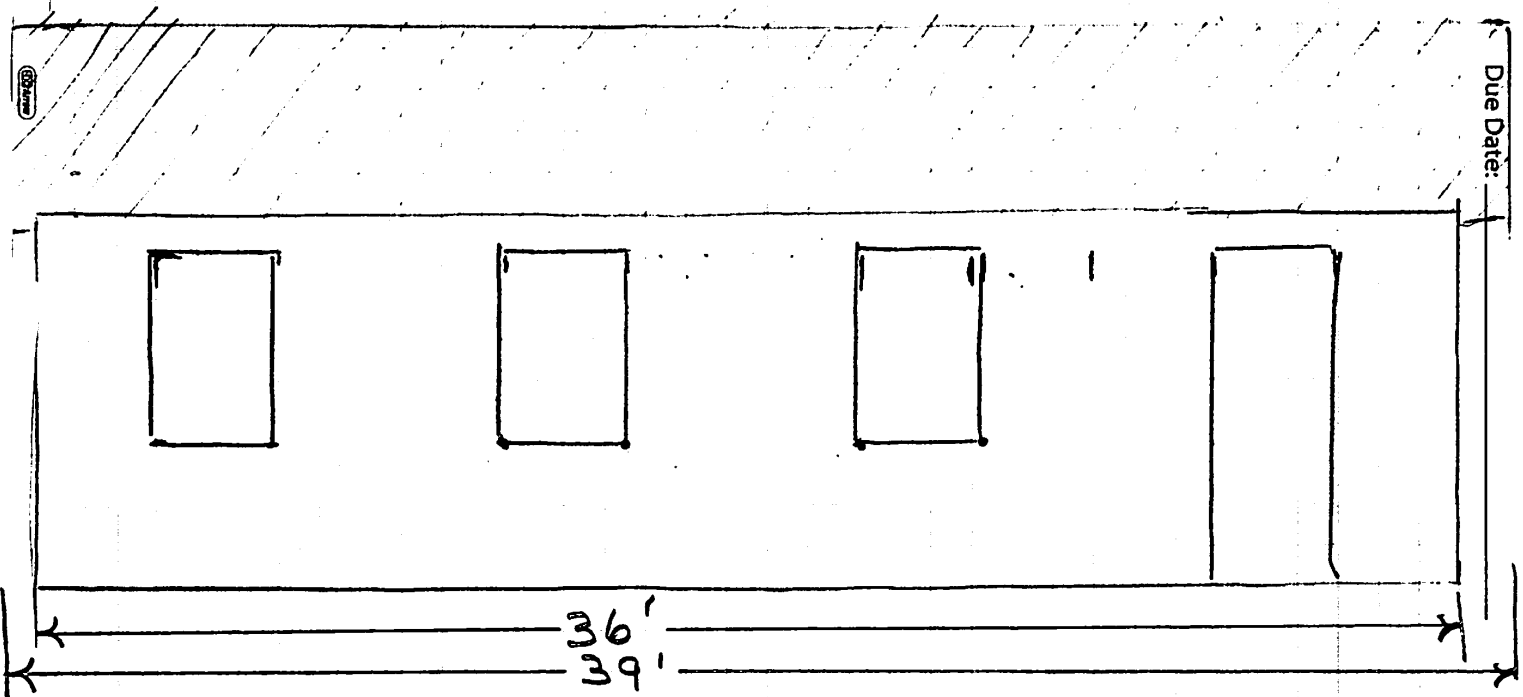
- impervious surfaces
with proposed new
garage and
removal of existing
shed $\approx 3,060 \text{ sq ft}$
 $= 13.39\%$

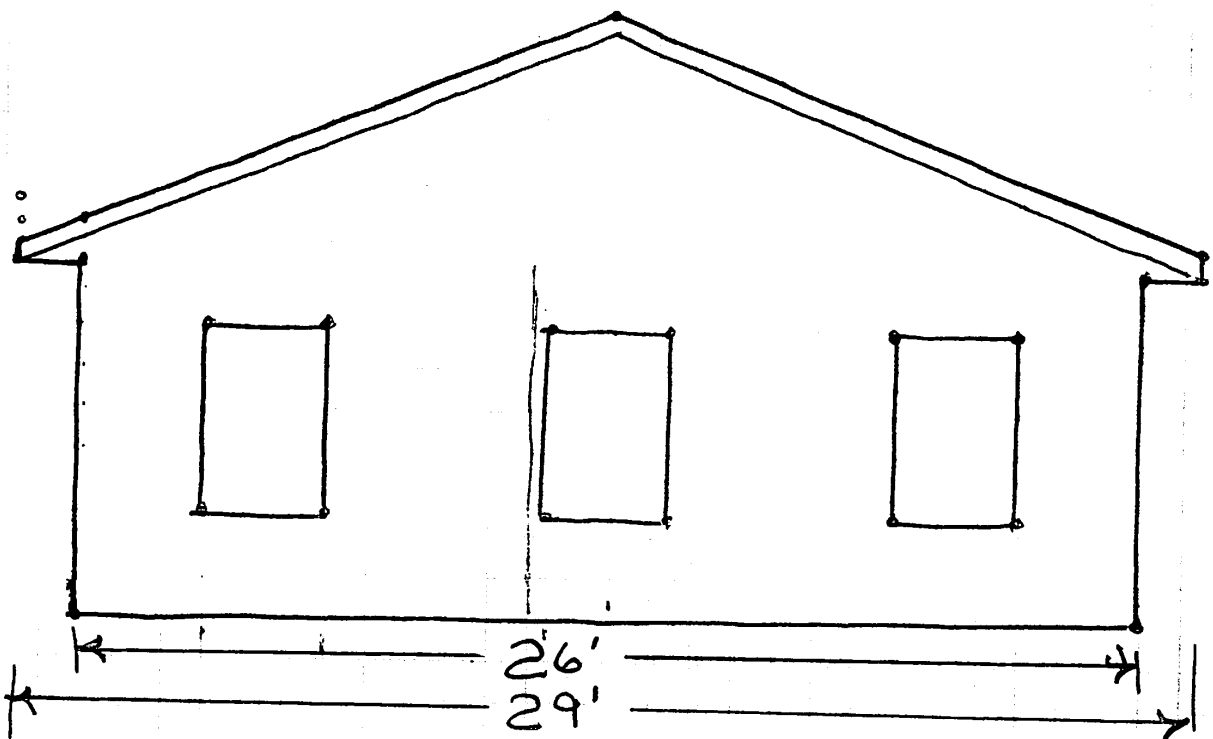


Date & Time 04/12/21 11:00 AM

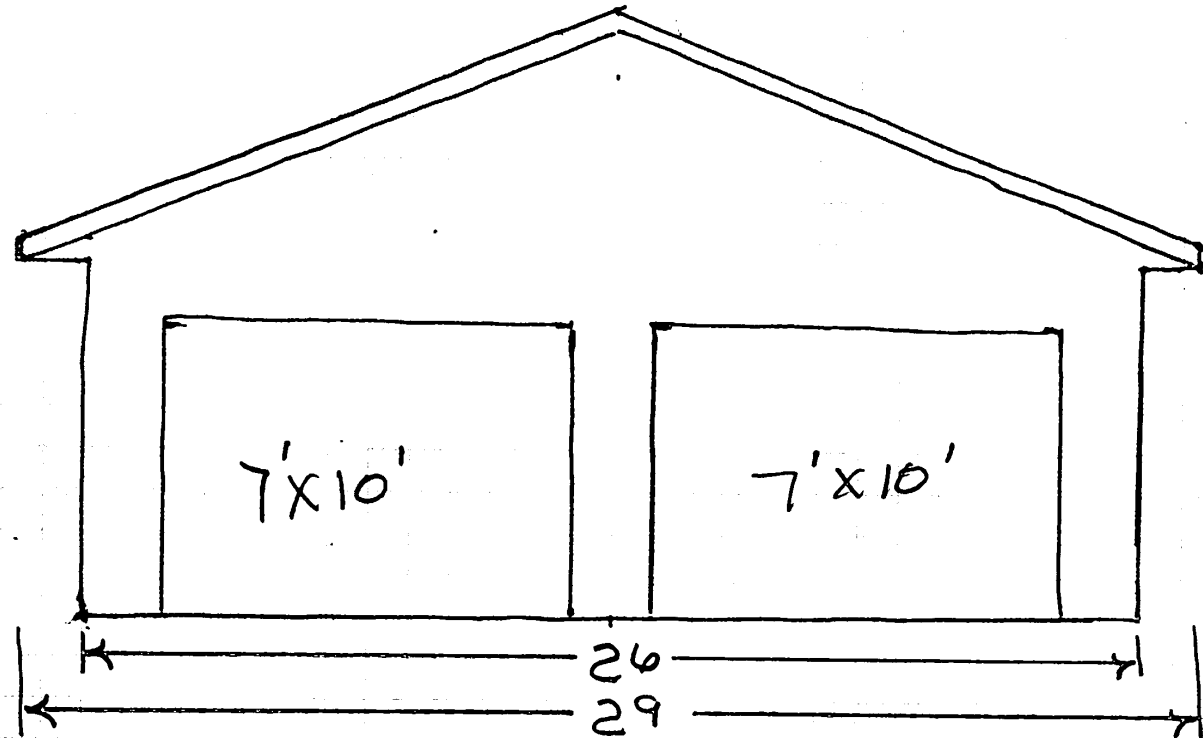
Signature of Inspector







Max Height 14'6"



Real Estate Sawyer County Property Listing

Today's Date: 4/26/2021

Property Status: Current

Created On: 2/6/2007 7:55:31 AM

 Description

Updated: 6/11/2018

Tax ID:	18299
PIN:	57-014-2-42-09-25-3 02-000-000020
Legacy PIN:	014942253202
Map ID:	.10.2
Municipality:	(014) TOWN OF LENROOT
STR:	S25 T42N R09W
Description:	PRT NWSW
Recorded Acres:	0.600
Calculated Acres:	0.464
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Nelson Lake
Zoning:	(RR1) Residential/Recreational One
ESN:	400

 Tax Districts

Updated: 2/6/2007

1	State of Wisconsin
57	Sawyer County
014	Town of Lenroot
572478	Hayward Community School District
001700	Technical College

 Recorded Documents

Updated: 6/11/2018

 WARRANTY DEED	
Date Recorded: 6/8/2018	412691
 QUIT CLAIM DEED	
Date Recorded: 12/19/2011	376199
 TERMINATION OF DECEDENTS INTEREST	
Date Recorded: 12/9/2011	376026
 TRANSFER ON DEATH DEED	
Date Recorded: 6/1/2009	360648
 WARRANTY DEED	
Date Recorded: 7/2/1993	236109 511/342

 Ownership

Updated: 6/11/2018

RONALD L BURTON	HUDSON WI
SARA J BURTON	HUDSON WI

Billing Address:

RONALD L BURTON
417 OLD E EAST
HUDSON WI 54016

Mailing Address:

RONALD L BURTON
417 OLD E EAST
HUDSON WI 54016

**Site Address** * indicates Private Road

12682N TANNING POINT RD HAYWARD 54843

**Property Assessment**

Updated: 9/26/2014

2021 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.600	210,000	67,600

2-Year Comparison

	2020	2021	Change
Land:	210,000	210,000	0.0%
Improved:	67,600	67,600	0.0%
Total:	277,600	277,600	0.0%

**Property History**

N/A













MAP OF SURVEY

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 25,
T. 42 N., R. 9 W., IN THE TOWN OF LENROOT, SAWYER COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, JASON R. NELSON, PROFESSIONAL LAND SURVEYOR IN THE STATE OF
WISCONSIN, HEREBY CERTIFY:

THAT ON THE ORDER OF RONALD BURTON, I HAVE SURVEYED AND MAPPED A
PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 25,
T. 42 N., R. 9 W., IN THE TOWN OF LENROOT, SAWYER COUNTY, WISCONSIN;

THAT THIS MAP IS A TRUE REPRESENTATION OF SAID SURVEY;

THAT SAID SURVEY AND MAP FULLY COMPLY WITH THE PROVISIONS OF CHAPTER
A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE; AND

THAT SAID SURVEY AND MAP ARE CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF.



BEARINGS ARE REFERENCED TO THE
SOUTH LINE OF THE SW 1/4 OF
SECTION 25, BEING S 80°21'42" W

JASON R. NELSON PLS - 3092

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 25, T. 42 N., R. 9 W., IN THE TOWN OF LENROOT,
SAWYER COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

TO LOCATE THE POINT OF BEGINNING, COMMENCE AT A 2-1/2" BRASS CAPPED IRON PIPE AT THE SOUTH 1/4 CORNER OF
SAID SECTION 25 AND RUN S 80°21'42" W, 1236.43 FEET ON THE SOUTH LINE OF SAID SECTION 25 TO A CAPPED ALUMINUM
MONUMENT AT THE MEANDER CORNER OF SAID SECTION 25. THENCE LEAVING SAID SOUTH LINE, N 23°28'51" W, 2485.85 FEET
TO A 1" IRON PIPE ON THE EASTERLY RIGHT OF WAY LINE OF TANNING POINT ROAD, WHICH IS THE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING BY METES AND BOUNDS:

ON SAID EASTERLY RIGHT OF WAY LINE, N 48°42'04" W, 99.15 FEET TO A 3/4" BOLT WITH WASHER. THENCE N 48°22'24" W,
100.17 FEET TO A 3/4" IRON ROD. THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, N 80°51'23" E, 108.96 FEET TO A
1" IRON PIPE MEANDER CORNER WHICH IS S 80°51'23" W, 22 FEET, MORE OR LESS, FROM THE ORDINARY HIGH WATER LINE OF
NELSON LAKE. THENCE ON A MEANDER LINE NEAR SAID ORDINARY HIGH WATER LINE, S 42°43'47" E, 184.11 FEET TO A 1"
IRON PIPE MEANDER CORNER WHICH IS S 54°50'54" W, 24 FEET, MORE OR LESS, FROM SAID ORDINARY HIGH WATER LINE.
THENCE LEAVING SAID MEANDER LINE, S 54°50'54" W, 86.55 FEET TO THE POINT OF BEGINNING.

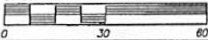
SAID PARCEL CONTAINS 23,000 SQUARE FEET, MORE OR LESS, WHICH IS 0.53 ACRE, MORE OR LESS, INCLUDING THAT LAND
LYING BETWEEN THE MEANDER LINE AND THE ORDINARY HIGH WATER LINE OF NELSON LAKE AND THE EXTENSION OF THE LOT
LINES TO SAID ORDINARY HIGH WATER LINE.

NOTES:

THE ORDINARY HIGH WATER LINE (OHWL) OF NELSON LAKE IS APPROXIMATE AND FOR REFERENCE PURPOSES ONLY.

ANY LAND BELOW THE ORDINARY HIGH WATER LINE OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN
NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION.

SCALE: ONE INCH = 30 FEET



LEGEND

- FOUND MONUMENT, AS NOTED
- 1" x 18" IRON PIPE, SET THIS SURVEY,
WEIGHT = 1.13 LB/FT
- () RECORDED DATA

PIPE DIMENSIONS ARE OUTSIDE DIAMETER

CLIENT: RONALD BURTON

JOB NO: 1118/084
SCALE: ONE INCH = 30 FEET
DRAWN BY: T28

FILE: W/142N/R9W/SEC25
ACAS: 1118_084_BURTON
COORD: 1118_130
NSL S-212 PG. 30

HEART OF THE NORTH
SURVEYING OF HAYWARD, INC.

10339 N. DUFFY ROAD
HAYWARD, WI 54843
PH: 715/634-2442
FAX: 715/634-6444
WWW.HONSURVEYING.COM

DOC. #376780

NELSON
LAKE

DOC. #412691
23,000 SQ. FT. ±
0.53 AC. ±

DOC. #269675

UTILITIES LEGEND

- WELL
- SEPTIC COVER
- SEPTIC CLEANOUT
- SEPTIC VENT
- UTILITY POLE



Sawyer County Zoning & Conservation Department

10610 Main Street, Suite 49

Hayward, WI 54843

jay.kozlowski@sawyercountygov.org

Fax (715) 638-3277

(715) 634-8288

VARIANCE REQUEST STAFF REPORT

Applicant:

Aaron Krueger
8738W Highway 27/70
Ojibwa, WI 54862

Property Location:

Prt Govt Lot 3, Sec 9, T38N, R06W, Parcel # 020-638-09-5307, Site Address #8738W Highway 27/70.
1.1 Acres. Zoned R-1

Summary of Request:

The ATF placement of an 11' x 24' accessory structure (shed). The proposed structure would be located 18' at the closest point to the right-of-way line of State Hwy 27/70 and 73' from the center line of State Hwy 27/70. Structure to less than 14' in height. Proposed structure would meet all other setbacks. This shed is currently being temporarily stored on the lot but would be relocated to the new proposed area. The required ordinance setbacks would be 130' to the centerline of the State Hwy of 66' from the Right-Of-Way line. The ROW setback would be the greater requirement with a 55' ROW shown on the highway plat maps.

Project History/On-site Notes/Comments:

See attached inspection report completed by Jay Kozlowski.

As part this request it should be noted that the applicant initially came to the Zoning Office to receive a permit right after the shed was delivered to the property. The applicant expressed that he was unaware that a permit was needed for a shed but wanted to do everything right. As part of the onsite visit on 04/19/21 it was determined that no additional buildable area was available on the property and that a variance would be needed. We looked for area on the SW corner of the property next to the driveway but it would appear that the lot line was too close in this location. The shed placed was ultimately determined and shown on the inspection report at to meet the River setback of 75' and be placed just outside of the overhead powerline easement. This placement then gave a setback requirement of 18' to the closest point of the highway right-of-way.

The only other location the would be slightly further away from the highway and still meet 75' from the river would be in an area that would require a considerable amount of fill, grading, and tree removal off of the SE corner of the house.

In other conversations with the applicant he recently inherited the property and the shed is needed to allow for additional room in the existing attached garage.

With the proposed shed structure impervious surfaces would be calculated at 6.7%.

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.

(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 _____, 2021.

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.



Variance Application Request

Property Owner: Aaron Krueger

Address: 8738W Highway 27/70 Ojibwa, WI 54862

Phone: 715-558-2228 Email:

mail: P.O. Box 68, Winter, WI 54896

Property Description: Part Govt Lot 3, S09 T38N R06W, Parcel # 020-638-09-5307

Acreage: 1.1

Zoned: Residential One (R-1)

Application requested:

The placement of an 11' x 24' accessory structure (shed). The proposed structure would be located 18' at the closest point to the right-of-way line of State Hwy 27/70 and 73' from the center line of State Hwy 27/70. Structure to less than 14' in height. Proposed structure would meet all other setbacks. This shed is currently being temporarily stored on the lot but would be relocated to a new area.

Variance requested as:

Section 4.21(1), Sawyer County Zoning Ordinance would require the prior granting of variance for any structure closer than 130' from the centerline of a Class A highway, or 66' from the right-of-way (ROW) line. The ROW setback would be a greater requirement for the variance with a 55' wide ROW distance shown on the North side of the highway.

Property Owner(s) Signature Aaron T. Krueger
Print & Sign

[Signature]
Print & Sign

Agent Signature(s), address, phone &
Email: _____

Date of Meeting 6-15-2021

Fee: \$500.00

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.
(January 2021) \$500.00

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

Completed by Aaron T. Krueger
(First Name) (MI) (Last Name)

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.").

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

To put up a 24 x 12 shed for
storage of lawn equipment

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.").

It will take away the ~~view~~ view of the
place, if I put lawn equipment in front yard.

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.")

- b) Alternatives you considered that require a lesser variance and reasons you rejected them.
(e.g., "Addition is the minimum size that is required.").

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.").

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.
(e.g., "There is a wetland area that extends around one side of the house and also behind the house.").

☐ 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.

By keeping the property clean, it will enhance the view.

3) Unnecessary Hardship.

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.

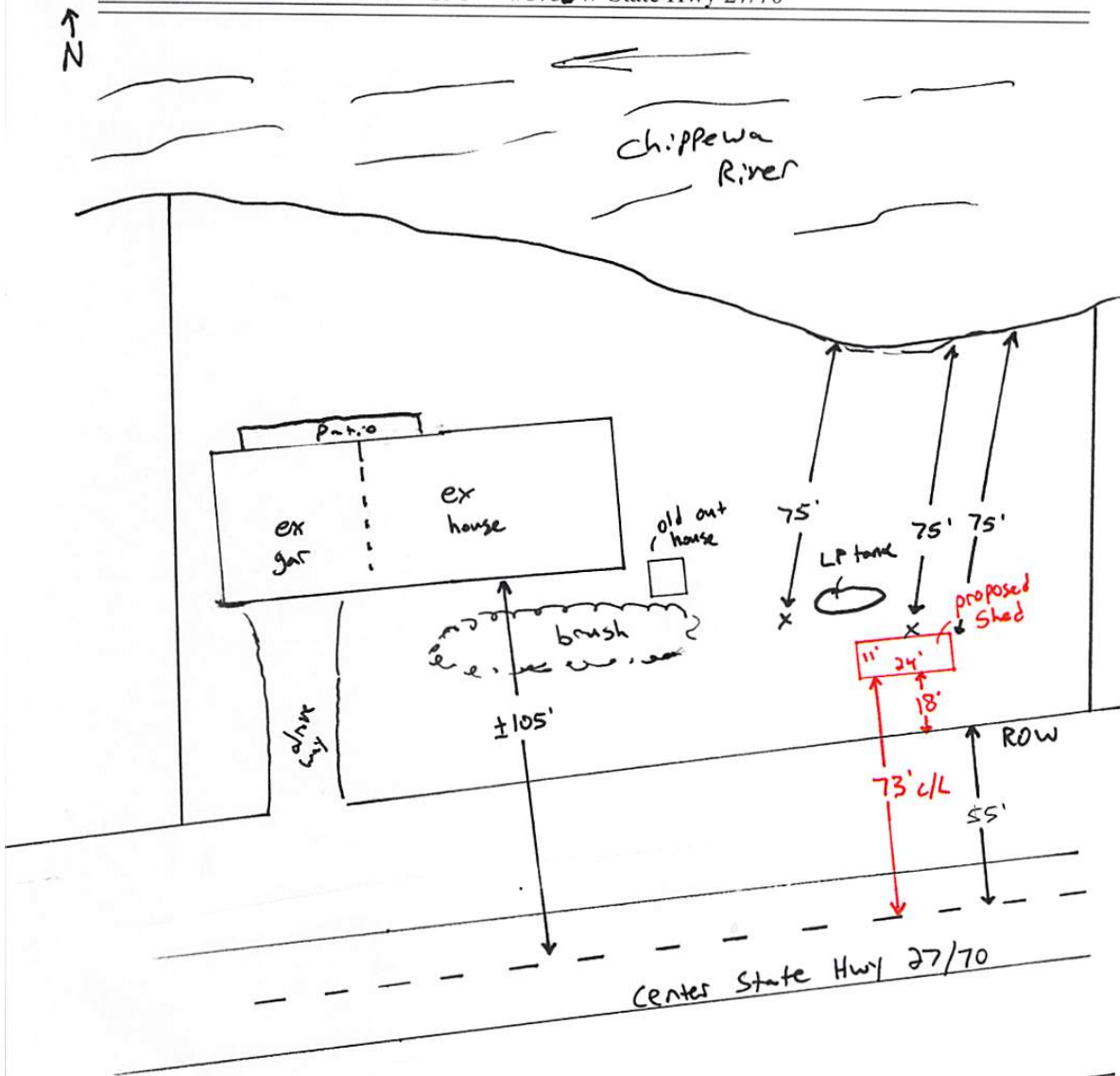
☐ No. A variance cannot be granted.

**Sawyer County Zoning Administration
Inspection Report**

Owner(s) Aaron Krueger
 Address 8738W Highway 27/70 Ojibwa, WI 54862
 Agent/Purchaser _____
 Address _____
 Bldr/Plber/CST _____
 Address _____

Inspection ☒ Private ☐ Public Violation ☒ Zoning ☐ Sanitation
☐ Dwelling ☐ Mobile Home ☐ Commercial ☐ Garage ☐ Addition
☐ Setback - Lake ☒ Setback - Road ☐ Setback - Lot Line ☐ Soils Verification
☒ Variance Required for reduced Highway setbacks for shed

WD#429511 1.1 Acres R-1 #8738W State Hwy 27/70



6.7% impervious surface
 Calculated for lot with
 Proposed shed

Discussed with Aaron Krueger & Jay Kozlowski

Date & Time 04/19/21 10:00 AM

Signature of Inspector _____

[Handwritten Signature]

Lot(s) _____

Blk(s) _____

Subdivision _____

Computer # 020-638-09-5307

Parcel(s) .3.7

Owner(s) KRUEGER, AARON

Town of OJIBWA

Govt Lot PRT 3

1/4

1/4

S 09

T 38 N

R 09

W

Real Estate Sawyer County Property Listing

Today's Date: 4/29/2021

Property Status: **Current**

Created On: 2/6/2007 7:55:35 AM

**Description**

Updated: 1/6/2014

Tax ID:	20708
PIN:	57-020-2-38-06-09-5 05-003-000070
Legacy PIN:	020638095307
Map ID:	:3.7
Municipality:	(020) TOWN OF OJIBWA
STR:	S09 T38N R06W
Description:	PRT GOVT LOT 3
Recorded Acres:	1.100
Calculated Acres:	0.637
Lottery Claims:	1 LC Note
First Dollar:	Yes
Waterbody:	Chippewa River
Zoning:	(R-1) Residential One
ESN:	442

**Tax Districts**

Updated: 2/6/2007

1	State of Wisconsin
57	Sawyer County
020	Town of Ojibwa
576615	Winter School District
001700	Technical College

**Recorded Documents**

Updated: 1/26/2021

QUIT CLAIM DEED	
Date Recorded: 1/25/2021	429511
WARRANTY DEED	
Date Recorded: 6/6/2016	401378
NOTE	
Date Recorded: 1/2/2014	
JUDGMENT-FINAL	
Date Recorded: 2/18/2005	328654

**Ownership**

Updated: 1/26/2021

AARON T KRUEGER OJIBWA WI**Billing Address:**

AARON T KRUEGER
8738W HIGHWAY 27/70
OJIBWA WI 54862

Mailing Address:

AARON T KRUEGER
8738W HIGHWAY 27/70
OJIBWA WI 54862

**Site Address** * indicates Private Road

8738W STATE HWY 27/70 OJIBWA 54862

**Property Assessment**

Updated: 8/20/2013

2021 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	1.100	37,800	107,400

2-Year Comparison	2020	2021	Change
Land:	37,800	37,800	0.0%
Improved:	107,400	107,400	0.0%
Total:	145,200	145,200	0.0%

**Property History**

N/A

*Mail: PO Box 68
Winter, WI. 54896*

