



Sawyer County

Agenda

Zoning Board of Appeals Meeting

Tuesday, July 20, 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 Minutes from the June 15, 2021 meeting
[6-15-2021 BOA Minutes](#)

3 - 4

3. VARIANCE APPLICATIONS

- a. A Public Hearing for the Town of Bass Lake. VAR #21-005. Owner: Dean & Heide Miller. Part of Government Lot 4, Lot 3 CSM 12/357 #3034; S06, T39N, R08W; Parcel #002-839-06-5404; .260 total acres; Zoned Residential/Recreational One (RR-1). Application requested: 3 specific elements of an after-the-fact variance request. 1) The construction of a patio/walkway area that is outside of the existing footprint area of the existing cantilever portion. This would be viewed as a 1' x 21' expansion area of the patio and wing-wall closer to the water. 2) The second element of the request has 2 specific expansions related to the same area. First is the relocation of an existing retaining wall not within the existing foot print. This existing retaining wall was relocated further from the water. The second specific request is by moving the retaining wall further back a smaller portion of walkway was added. The approximate size of the walkway expansion area is an 11' x 4' triangular portion. 3) Is the expansion of a walkway area that is approximately 1.5' x 5'.

5 - 60

There was an existing walkway which was allowed for replacement and expansion of the patio area underneath the cantilever portion. However, there was a small gap where there wasn't an existing walkway area which has now expanded. All of these setbacks would be measured at 1' to the OHWM of Lac Courte Oreilles at the closest point. All other setbacks would be met. Variance requested as: All of the variance elements would be subject to the Section 6.1 Shoreland Setbacks of the Sawyer County Zoning Shoreland-Wetland protection ordinance would require the prior granting of a Variance for any new structures not within the existing footprint of the existing structures closer than 75'. This proposed request would be for an A-T-F Variance of a 1' shoreline setback for the elements previously described. Discussion/Action.

[VAR #21-005, Dean & Heide Miller Pkt.](#)

4. NEW BUSINESS

- a. 1) Any other business that may come before the Board.

5. ADJOURNMENT

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEALS
June 15, 2021**

Board of Appeals

Alan Gerber, Chairman
Laura Rusk
Mark Olson
Dee Dobilas
Steve Kelsey
Gordon Christians, Alternate
James Tiffany, Alternate

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 call finds present: Al Gerber, Laura Rusk, Mark Olson, Dee Dobilas, and Steve Kelsey. Kozlowski and Marks are present from the Zoning office.

2) Statement of Board and Hearing Procedures & Statement of 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 on June 2nd and 9th, 2021.

3) Approval of April 27, 2021 Minutes. Motion by Rusk to approve the April 27, 2021 minutes as presented. Second by Kelsey. All in favor.

VARIANCE APPLICATION

1) A Public Hearing for Town of Hunter. VAR 21-003. Owner: Ronald & Sara Burton. Part of the NW ¼ of the SW ¼; S25, T42N, R09W; Parcel #014-942-25-3202; .600 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. Kozlowski reads the application, On-site inspection, Town approval and Neighbor opinion letters. Ronald Burton, owner speaks in favor of the application. Explains the need for

the garage and that he would remove the existing shed that is on the property. Discussion with Board and Kozlowski held. No other audience comments. Discussion held. Motion by Gerber to approve the application as presented with adding that the shed must be removed before construction starts and a 2-year limited to apply for a Land Use permit. Second by Dobilas. No discussion held. Application approved 4 to 1. Findings of Fact: 1) There is no change to the use of the property in the zone district. 2) It would not be damaging to the rights of others or surrounding property values. 3) It would not be the basis of economic gain or loss. 4) The property owner shows due diligence in protecting the surrounding area.

2) 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. Kozlowski reads the application, On-site inspection and Town approval. No Neighbor opinion letters were returned. Aaron Krueger speaks in favor of the application. Discussion held with Owner, Board & Kozlowski. No audience comments. Motion by Rusk to approve the application as presented with a buffer zone between the highway and shed. Second by Kelsey. All in favor 5 to 0. Findings of Fact: 1) It would not be damaging to the rights of others or property values. 2) Another permitted use is not possible on this property. 3) A minimal relaxation of the code is being granted.

NEW BUSINESS

1) Olson informed the Board that he wants to work with Kozlowski on updating the BOA By-Laws regarding Subdivision Ordinance for BOA to hear appeals on them. Kozlowski would like to go over the whole BOA By-Laws at one time for all the changes at once and start working on it in the fall.

2) Next meeting will be held on July 20, 2021 at 6pm.

3) Any other business that may come before the Board. None.

ADJOURNMENT

Motion made by Olson to adjourn, second by Kelsey. 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

Prepared by: Jay Kozlowski, Zoning & Conservation Administrator

Applicant:

Dean & Heide Miller
11517 Palisade, MN
Blaine, MN 55449

Property Location:

Part Govt Lot 4 Lot 3, CSM 12/357, Sec06 T39N R08W,
Parcel # 002-839-06-5404
Site Address: 6953N Wolfe Point Lane

Summary of Request:

3 specific elements of an after-the-fact variance request. 1) The construction of a patio/walkway area that is outside of the existing footprint area of the existing cantilever portion. This would be viewed as a 1' x 21' expansion area of the patio and wingwall closer to the water. 2) The second element of the request has 2 specific expansions related to the same area. First is the relocation of an existing retaining wall not within the existing footprint. This existing retaining wall was relocated further from the water. The second specific request is by moving the retaining wall further back a smaller portion of walkway was added. The approximate size of the walkway expansion area is an 11' x 4' triangular portion. 3) Is for the expansion of a walkway area that is approximately 1.5' x 5'. There was an existing walkway which was allowed for replacement and expansion of the patio area underneath the cantilever portion. However, there was a small gap where there wasn't an existing walkway area which has now expanded. All of these setbacks would be measured at 1' to the OHWM of Lac Courte Oreilles at the closest point. All other setbacks would be met.

Project History:

Initially, Pat Brown from the Sawyer County Zoning & Conservation Department met with the owners of the property in 2018 and again in June of 2020 before the Land Use Permit was issued. At that time Pat had indicated that existing structures and existing walkway areas could be replaced within the existing footprint. This would be accurate with the current shoreland zoning standards that are in place at the state level. With that being said though any replacements of structures would need to be "exactly" within the same footprint. This was stated by Pat to the owner's and builder at time of onsite. When the Land Use Permit was submitted; LUP #20-335 it was Pat's belief that the existing footprint was to be replaced. Moving forward to January of 2021 our office received complaint about additional patio areas added on this property. After an onsite investigation it was determined that some of these patio areas were now outside of the existing footprint areas. After going back to LUP 20-335 and looking at the fine detail as indicated on the construction set plans it did show this walkway expansion area and retaining wall relocation. While it was

shown on the plan in fine detail this would not have been something that should have been allowed. It would appear that some type of break in communication occurred from the time of the onsite visit to the time that plans were submitted to our office. Pat again was under the impression that none of these patio, walkway, or retain wall areas were to be replaced outside of their existing footprints.

On-site Notes/Comments:

Moving on to the specific areas of concern. As part of this variance request there are 3 elements that should almost be view separately as separate requests. The attached photos with this packet try to illustrate these 3 elements. The first is the construction of a walkway/patio area outside of the existing footprint of the cantilever portion. The cantilever portion is a very interesting element all in its own. As the existing cantilever portion sat we would have allowed vertical expansion either above or below that existing footprint. That is where the patio area beneath the cantilever portion is allowed. However, the existing footprint area would have been viewed as the main wall of the cantilever portion, not to the eave line. When we look at footprint area we also go by the solid wall of the structure. If you start allowing eaves as part of the footprint you could create a domino effect for unlimited expansion by expanded to eave→rebuild plus eave→rebuild again to new eave→etc. This is where the first variance requests exist, in that the patio area including wingwall was built outside of the existing footprint and built to the eave line. This would be a 1'x21' expansion of this area closer to the water.

Element 2 has 2 specific requests for it. The owner/builder replaced an existing 45 degree angled retaining wall not within the same footprint. This retaining wall area was actually relocated further back from the water but technically would need the granting of a variance in that it is not within the same footprint. The 2nd specific request of this element is that by relocating the retaining wall further back that gap area was then filled in with additional walkway area. This walkway area expansion is approximately a triangular portion of 11' x 4'. Speaking from a conservation background it would be potentially more detrimental to lake ecology if this newly placed retaining wall would need to be removed and replaced back to the existing footprint. That would just be for the retaining wall relocated and not necessarily the walkway expansion.

Element 3 is a gap area that exists between the existing walkway and the patio area that would be allowed within the existing footprint of the cantilever portion. It was initially calculated that an approximate 1.5' x 5' walkway area was expanded within the "gap" area. Since the time this variance application was submitted the owner has supplied a photo that does show some existing broken up concrete pieces within this area. I have yet to make a Zoning Administrator determination whether this would be viewed as an "existing" walkway area which would be eligible for replacement within the same footprint. It should be mentioned though that removal of this walkway area would create some serious erosion and gully washing areas. At this point though I would include this walkway area expansion as part of the variance request.

See attached inspection report completed by Jay Kozlowski.

As part of the onsite visit on 02/11/21 Jay Kozlowski measured out the setback distances and verified that all new structure areas are right at or above OHWM. DNR was contacted and several conversations were made between the DNR and Sawyer County Zoning. At this point DNR has stated that with all structures being right at or above OHWM that any violation jurisdiction would fall solely on Sawyer County.

The Town of Bass Lake Planning Commission and Town Board have both denied the request.

If the request is denied by the Sawyer County Board of Appeals it will trigger the Sawyer County Zoning and Conservation Department to start an order for correction time frame for removal of the 12'x15' addition. If the applicant does not remove said addition by the specific time frame (TBD) it will result in citations with daily forfeiture unless other appeal processes are filed.

It should also be mentioned that regardless of the decision for the BOA that it would not be precedent setting in that each scenario and unique facts of the case should be looked at.

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):

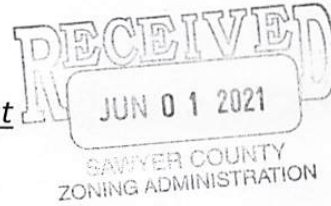
1. The _____ must be removed within _____ days
2. The applicant will allow agents of Sawyer County access to the property to ensure compliance with the terms of this decision, Sawyer County Codes, and State and Federal Laws.

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



Variance Application Request



Property Owner: Dean & Heide Miller

Address: 11517 Palisade Court NE

Blaine, MN 55449

Phone: 763-218-2500

Email: heidemiller8455@gmail.com

Property Description: Part Govt Lot 4 Lot 3, CSM 12/357, Sec06 T39N R08W, Parcel # 002-839-06-5404

Acreage: 0.26

Zoned: Residential/Recreational One (RR-1)

Application requested:

3 specific elements of an after-the-fact variance request. 1) The construction of a patio/walkway area that is outside of the existing footprint area of the existing cantilever portion. This would be viewed as a 1' x 21' expansion area of the patio and wingwall closer to the water. 2) The second element of the request has 2 specific expansions related to the same area. First is the relocation of an existing retaining wall not within the existing footprint. This existing retaining wall was relocated further from the water. The second specific request is by moving the retaining wall further back a smaller portion of walkway was added. The approximate size of the walkway expansion area is an 11' x 4' triangular portion. 3) Is for the expansion of a walkway area that is approximately 1.5' x 5'. There was an existing walkway which was allowed for replacement and expansion of the patio area underneath the cantilever portion. However, there was a small gap where there wasn't an existing walkway area which has now expanded. All of these setbacks would be measured at 1' to the OHWM of Lac Courte Oreilles at the closest point. All other setbacks would be met.

Variance requested as:

All of the variance elements would be subject the Section 6.1 Shoreland Setbacks of the Sawyer County Zoning Shoreland-Wetland Protection Ordinance would require the prior granting of a variance for any new structures not within the existing footprint of the existing structures closer than 75'. This proposed request would be for an A-T-F variance for a 1' shoreline setback for the elements previously described.

Property Owner(s) Signature

Dean A. Miller

Print & Sign

Heide Miller

Heide Miller

Print & Sign

Agent Signature(s), address, phone &

Email:

Date of Meeting 7-30-2021

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

Real Estate Sawyer County Property Listing

Today's Date: 6/8/2021

Property Status: **Current**

Created On: 2/6/2007 7:55:04 AM

**Description**

Updated: 12/16/2019

Tax ID:	1945
PIN:	57-002-2-39-08-06-5 05-004-000040
Legacy PIN:	002839065404
Map ID:	:4.4
Municipality:	(002) TOWN OF BASS LAKE
STR:	S06 T39N R08W
Description:	PRT GOVT LOT 4 LOT 3 CSM 12/357 #3034
Recorded Acres:	0.260
Calculated Acres:	0.246
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Lac Courte Oreilles
Zoning:	(RR1) Residential/Recreational One
ESN:	447

**Tax Districts**

Updated: 2/6/2007

1	State of Wisconsin
57	Sawyer County
002	Town of Bass Lake
572478	Hayward Community School District
001700	Technical College

**Recorded Documents**

Updated: 12/16/2019

WARRANTY DEED	
Date Recorded: 8/30/1994	243756 539/27
CERTIFIED SURVEY MAP	
Date Recorded: 6/5/1989	213975

**Ownership**

Updated: 2/6/2007

DEAN A & HEIDE M MILLER BLAINE MN**Billing Address:**

DEAN A & HEIDE M MILLER
11517 PALISADE COURT NE
BLAINE MN 55449-3913

Mailing Address:

DEAN A & HEIDE M MILLER
11517 PALISADE COURT NE
BLAINE MN 55449-3913

**Site Address** * indicates Private Road

6953N WOLFE POINT LN * STONE LAKE 54876

**Property Assessment**

Updated: 9/13/2012

2021 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.260	135,000	50,400

2-Year Comparison	2020	2021	Change
Land:	135,000	135,000	0.0%
Improved:	50,400	50,400	0.0%
Total:	185,400	185,400	0.0%

**Property History**

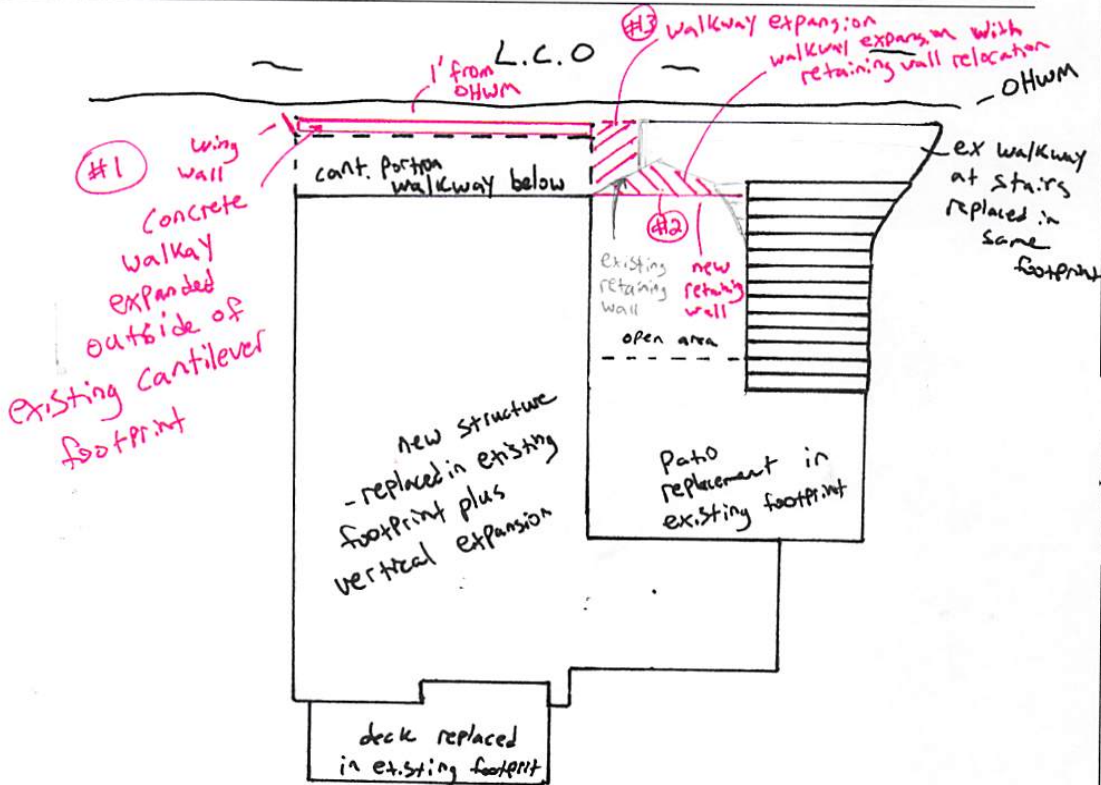
N/A

Sawyer County Zoning Administration
Inspection Report

Owner(s) Dean & Heide Miller
Address 11517 Palisade Court NE
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
☒ Inspection Report for ATF Variance

WD#243756 0.26 Acres RR-1 CSM 12/357 #6953N Wolfe Point Lane

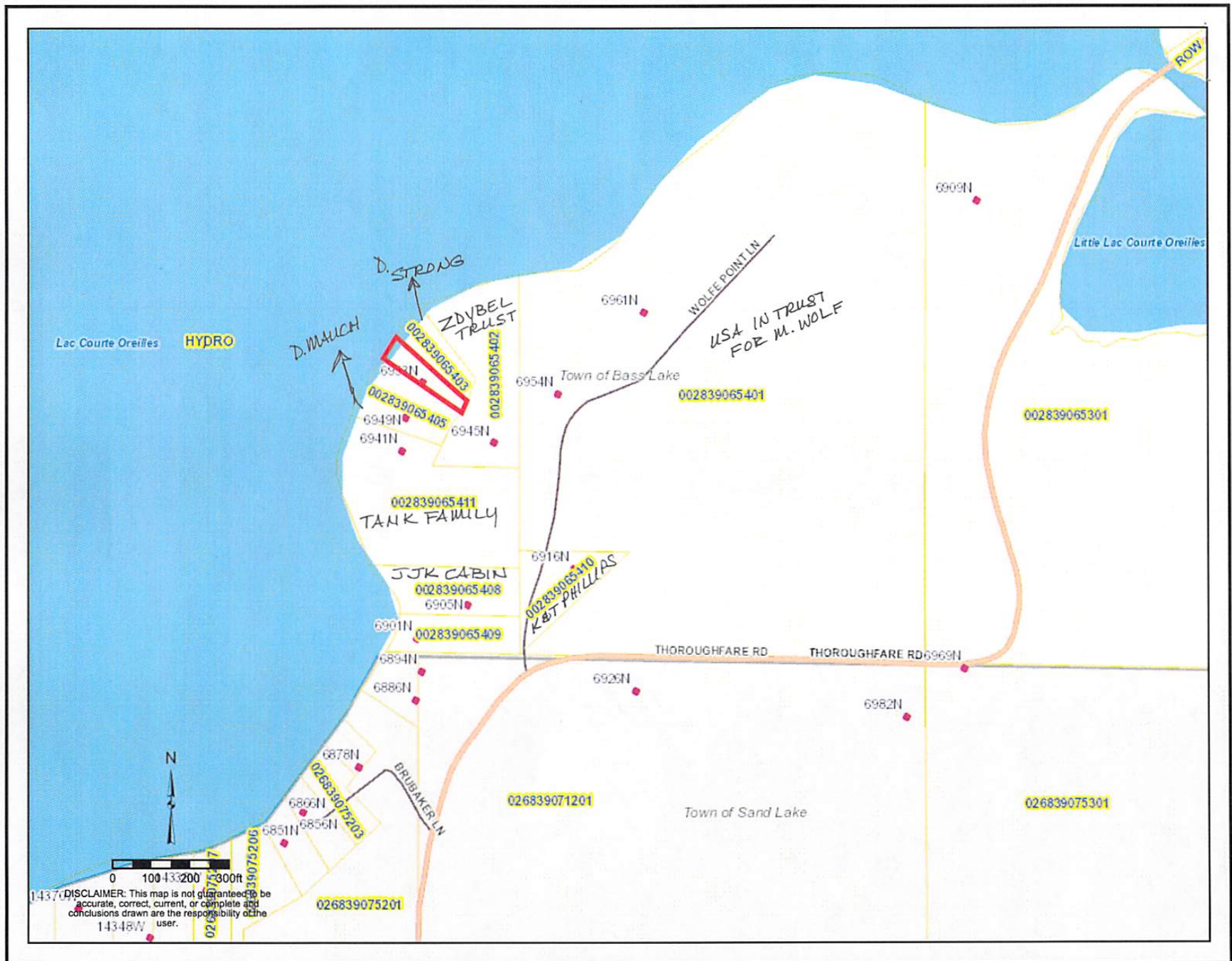


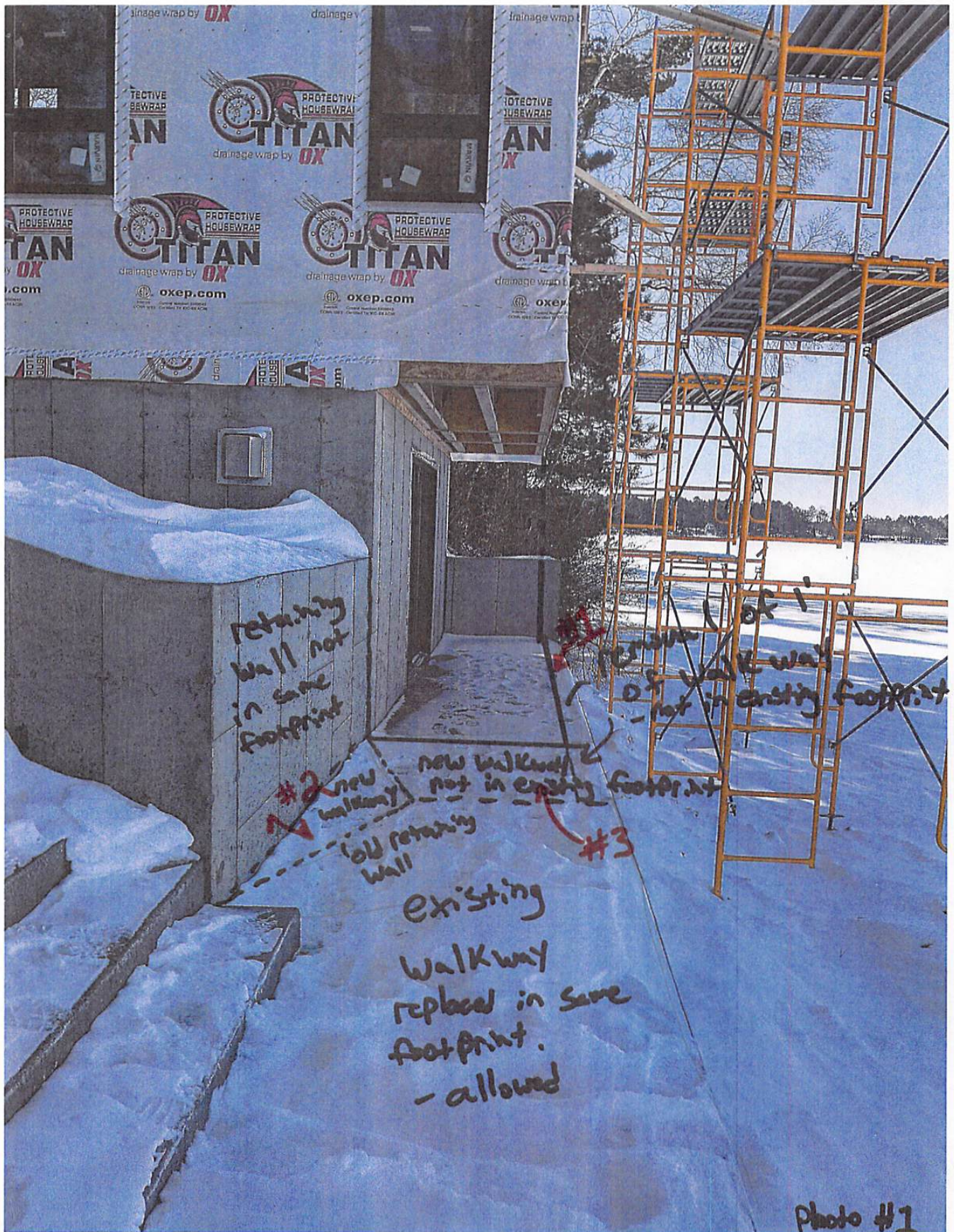
Lot(s) 3 Blk(s) _____ Subdivision _____ Computer # 002-839-06-5404 Parcel(s) _____
Owner(s) MILLER, DEAN & HEIDE Town of BASS LAKE Govt Lot PRT 4 1/4 1/4 S 06 T 39 N R 08 W

Discussed with Dean & Heide Miller, and Jay Kozlowski
Date & Time 02/12/21 11:00 AM
Signature of Inspector Jay Kozlowski

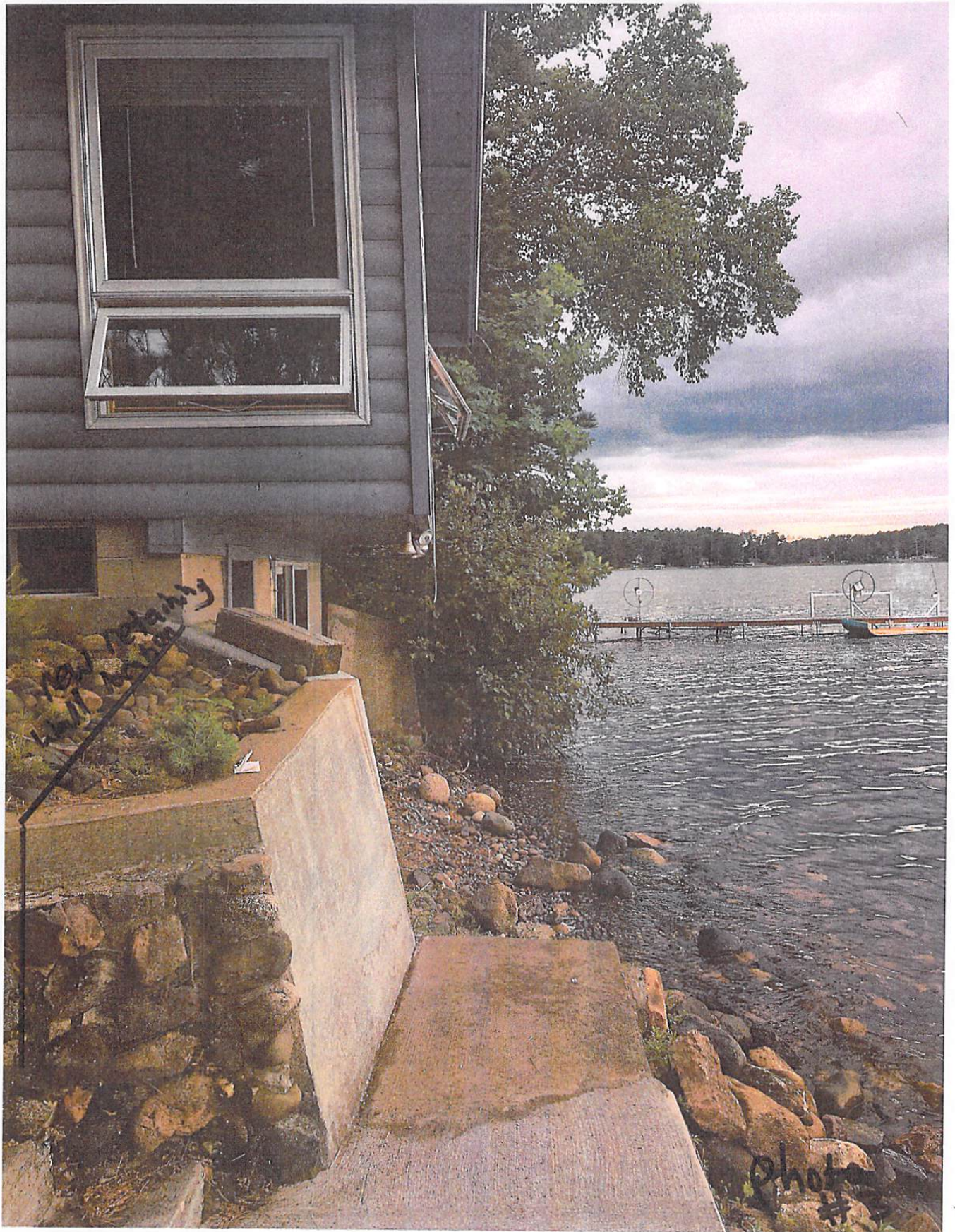
















APPLICATION FOR VARIANCE
SAWYER COUNTY BOARD OF APPEALS
ADDITIONAL INFORMATION
(To be completed by applicant)

Completed by Dean A & Heide M MILLER
(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.").

Property contains a new construction residential home that is built in the footprint of an old three season cabin. The original cabin was purchased in 1994.

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

1. Existing wall (1' x 21') outside building cantilever to remain
 2. Retaining wall outside of previous footprint but farther from lakeside to remain as well as walkway that is in previous footprint (11'x 4' triangular portion)
 3. Walkway (5'x 1.5') to connect two areas of approved walkway to remain
- See Photo 1 from Sawyer County Zoning -3 Areas of Concern.

The proposed request is for an A-T-F variance for a 1' shoreline setback for the elements described above.

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.").

Further erosion from ice flows will adversely affect the property and adjacent properties. By removing 1' of concrete from the existing wall in #1 listed above, a wedge is created and ice will push off to the south damaging the shoreline instead of moving off to the side.

There is several feet of concrete plus footings in the new retaining wall in #2 listed above. If additional cement was added to create the previous angle (11' x 4"), water would infiltrate the wall and the triangle, which would freeze and create separation and erosion between the two walls. Cutting out the triangle (11' x 4') and planting flowers in this area would create worse erosion. The erosion would jeopardize the integrity of the structure. The retaining wall was moved back about two feet further from the water, provides better erosion control and removed a pinch point for ice flow deflection which could cause further shoreline erosion.

Further erosion from ice flows and heavy rain will affect the property and shoreline if a 5' x 1.5' section is removed from the walkway. Photo #5 taken on June 8, 1996 shows that there was a cement walkway in front of the small door of the cabin. The walkway shifted and was broken apart over time from the spring ice flows and ice surges on the lake over the past 25 years.

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.")

A meeting was held at the property on June 8, 2020 with the Millers, Jeremy Hill, Hill Construction and Pat Brown, Sawyer Co Zoning to discuss building options. Pat Brown stated that the options for new construction were to build in the existing footprint or 75 feet back from the lake. Since the lot is substandard, building 75 feet back from the lake was not an option. See Exhibit J - Certified Survey Map. The only option was to re-build the cabin in the existing "footprint". Based on our conversations that day with Pat Brown, we felt that we could build a 5' walkway in front of the re-built cabin; that we could relocate the existing retaining wall as long as it was within the existing footprint – it was moved further back from the water and the size of the walkway was slightly increased but it was still in the "footprint" of the existing cabin; and expanding the existing walkway as this existed in the past as shown by Photo #5 dated June 8, 1996.

The plans for the Miller cabin re-built were submitted on August 27, 2020 to Pat Brown at Sawyer County Zoning by Carrie Bender from Hill Construction. These plans were designed by Hill Construction to fit the regulations that Pat Brown described to us on site on June 8, 2020. The re-built lakeside sidewalk along the lakeshore adjacent to the cabin was designed to be in the same footprint as the old sidewalk. Pat Brown told us that we were also allowed to build a new sidewalk under the cantilevered part of the cabin, as it fit under what Pat described as the "footprint" of the building. From that conversation, our interpretation of what Pat told us the allowed sidewalk size would be, fell inside the "footprint" of the roof overhang of the existing cabin, in terms of what was allowed for a sidewalk, and this is how Hill Construction designed the plans, with a 5' sidewalk under the cantilevered part of the cabin, to be inside the roof line.

The building plans that were emailed to Pat Brown on 8/27/2020 from Hill Construction show a 5' walkway in front of the cabin, the straight retaining wall with a slightly increased walkway and the new section of walkway – all in question in the April 14, 2021 letter. Land Use Permit #20-339 was issued for the Miller cabin on 9/16/2020. Attached is a photo taken on 10/26/2020 (Exhibit E) showing the completed walkway, retaining walls and foundations as per the plans dated 8/27/2020.

Jeremy Hill, Hill Construction received a letter from Pat Brown, Sawyer County Zoning on January 21, 2021 stating the newly constructed "sidewalk" was five feet from the foundation wall. This 5 foot sidewalk was indicated on the plans from Hill Construction that were received by Zoning on August 27, 2020. Why wasn't this brought to the Miller's or Hill Construction's attention prior to the issuance of the Land Use Permit on September 16, 2020 or when the cement work was completed on October 26, 2020.

Based on the letter to Hill Construction on January 21, 2021 and April 14, 2021, we are now hearing that the "footprint" that we should have used to build the sidewalk within was the wall line of the existing cabin, not the roof overhang, which would have resulted in a sidewalk that would have been 4' wide.

We met with Zoning prior to creating any construction documents to make sure that we would not have to ask for a variance of any kind. We knew this would be a high profile build and it would be highly visible from the lake and that it would generate some complaints. We thought we had followed all the steps that were needed to re-build our cabin once we were granted a Land Use Permit since Zoning had reviewed the Construction plans prior to issuing the Land Use Permit..

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

We did not realize that we had to consider any other alternatives that require a lesser variance as we had met with Sawyer County Zoning and the plans for our cabin re-build had been submitted to Zoning on August 27, 2020. We were issued a Land Use Permit on September 16, 2020 (Exhibit D).

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.").

The Millers have changed a cement sidewalk on the plans to a pervious surface of either a TREX or a crushed stone walkway. In addition, two rain gardens are being installed so that gutters and downspouts will drain into the rain gardens and the water is filtered before it reaches the lake. We are already working with Kelly Nechuta, Sawyer County Zoning and Dragonfly Gardens on the rain gardens.

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.").

This is a small lot with only 60 ft of frontage and it tapers back in a pie shape. There was no option to move the cabin back 75 ft setback because there would be no lot left to build on. . See Exhibit J – Certified Survey Map dated June 2, 1989. This why we met with Zoning on 06/08/2020 on site to review the parameters of building in the existing footprint. Our entire planning and building process has been very transparent.

☐ 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 is no harm to public health, safety and welfare since this is just on our property. By adding the two rain gardens, the water quality will be improved by having a filtering system for the run-off rain water prior to it entering the lake.

The walkway and walls as they currently stand provide for better erosion control than what was previously there. Leaving the front walkway as it is would prevent erosion and prevent harm to the water quality and fish and wildlife habitat. Removing the 1' of concrete would require heavy equipment and manpower to cut and remove the cement. The concrete in the walkways are at least 2' thick and will require small cuts and chipping to remove which may cause erosion and may harm the water quality and fish and wildlife habitat.

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.

The concrete walkway is at least 2' thick with additional rebar, as it was designed to withstand the tremendous ice heaves that occur on this portion of LCO lake, so it would be very difficult to cut out and remove. The concrete dust, the concrete chunks, the equipment that would be needed to remove the concrete would contribute to further erosion of the shoreline. The structural integrity of the re-built cabin may be in jeopardy.

☐ No. A variance cannot be granted.

See Timeline Dean & Heide Miller Cabin Construction @ 6953N Wolfe Point Lane, Stone Lake, WI and additional Exhibits and Photos.

Exhibit B

carrie@hillconstruction.net

From: carrie@hillconstruction.net
Sent: Thursday, August 27, 2020 2:36 PM
To: Pat Brown
Subject: Miller Plans
Attachments: Miller CONSTRUCTION SET 8-21-2020.pdf

Hi Pat,

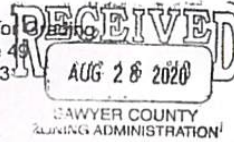
I'll get that grading permit over to you tomorrow.

Carrie Bender
Business Manager
Hill Construction, LLC
715-638-0849



Exhibit C

Sawyer County Application for Grading
10610 Main St. Suite 400
Hayward WI 54843-1515
715/634-8288



CONSTRUCTION SHALL NOT BEGIN UNTIL ALL REQUIRED PERMITS HAVE BEEN ISSUED. SIGNATURE OF PROPERTY OWNER IS REQUIRED.

Owner: DEAN & HEIDE MILLER	Contractor: HILL CONSTRUCTION, LLC
Mailing Address: 11517 PALISADE CT	Mailing Address: 15908 US HWY 63
City, State, Zip: BLAINE, MN 55449	City, State, Zip: HAYWARD, WI 54843
Phone: 763-218-2500	Phone: 715-634-6750
Email: dmiller@acgbiz.com	Email: jeremy@hillconstruction.net

Site address: 6953N WOLFE POINT LN, STONE LAKE, WI

Calculate grading area: (Total area disturbed including excavation, fill, grading, landscaping, equipment rutting, and/or other areas vegetation will be removed resulting in exposed soil)

Determine width of disturbed site in feet: 60 ft. x depth of disturbed site in feet: 53 ft.
Total = 3180 sq. ft. (this is the area calculation)
Determine Slope of disturbed area: Vertical height in feet 6 + Horizontal distance in feet 53 = Slope .1132 X 100 = 11 % Slope
(1V/1H = Slope X 100 = Percent Slope)

*For any filling or grading of any area which is within 300 feet landward of the ordinary high water mark (OHWM) of navigable water and which has surface drainage toward the water and on which there is either:

- (1) Any filling or grading on slopes of more than 20%.
- (2) Filling or grading of more than 1,000 sq. ft. on slopes of 12% 20%.
- (3) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
- (4) A Grading Permit is required for any filling or grading in excess of 10,000 sq. ft. within 1,000' OHWM of navigable lakes, ponds, or flowages OR within 300' of OHWM of navigable rivers or streams.

Date activity will begin if permit is issued: 9/14/20 date to be completed: 5/2021

Attach engineering design or complete the following using additional sheets:

1. Describe proposed erosion control installation, construction phases, and finished site grading. Include timeline, methods, and materials. (Silt Fence alone is not ample erosion control for most sites)

TYPE 1 SOT TURBIDITY CURTAIN AT LAKEFRONT
TO BE PLACED AT THE START OF DEMO & REMAIN
UNTIL FINAL GRADING AT PROJECT END.

CONSTRUCTION TO BEGIN MID-SEPTEMBER

Permit # 20-339 Town: Cross Lake Parcel # 002-839-06-570 Owner: Miller, Dean & Heide Issuing Agent: [Signature] Date: 9/9/20

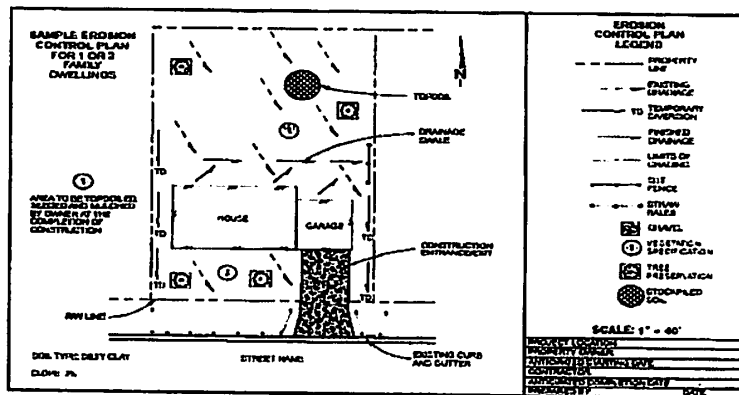
OWNERS COPY

2. List temporary seed type and rate, permanent seed type and rate, fertilizer type and application rate (if applied), and mulch type and application rate.

NO TEMPORARY SEEDING AS BULK OF CONSTRUCTION WILL BE DONE DURING FALL/WINTER MONTHS.

-EXCELSIOR MATTING TO BE PLACED IN GRADED AREA AFTER BACKFILL

- * *Recommended that an "eyeball" be installed @ OHWM.*
3. Attach a plot plan of project area including location of any wetland(s) and/or waterway(s) (indicate area between grading project and water body to be left undisturbed), location of excavated material, location of all storm water and erosion control Best Management Practices (BMP's), property lines, existing drainage, post grading drainage pattern, and north arrow. (Silt Fence alone is not ample erosion control for most sites)



4. Attach a cross sectional view of project area including the existing and proposed slope of the bank, water level of any existing waterway, and horizontal and vertical scale.

Initial below

CB All BMP's and erosion control devices will be inspected weekly and after rainfall of 1/2" or greater within 24hr period.

CB In accordance with the Sawyer County Zoning Ordinance section 4.281(Adverse Effects On Adjacent Properties), I hereby declare that the construction and/or grading permitted under this permit will not affect or interfere with neighboring properties drainage patterns. Any change in drainage patterns which are determined to be detrimental to neighboring properties will be corrected at the expense of the property owner referenced on this permit.

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.

Dean A. Miller Dean A. Miller

Original Signature of property owner (or agent with Power of Attorney).

Permit Fee: \$100.00

LAC COURTE
O'REILLES

TYPE 1 DOT BARRIER



site plan

== - GRADING AREA

* MATERIAL TO BE HAULED
OFF-SITE

* EXCELSIOR MATTING TO BE PLACED
AFTER BACKFILL IN GRADED AREA



EXISTING DRIVE

CONSTRUCTION SET 8-21-2020

NOTES

1. SEE SITE PLAN FOR EXISTING DRIVE AND PROPOSED DRIVE.
2. SEE SPECIFICATIONS FOR TYPE 1 DOT BARRIER.
3. SEE SPECIFICATIONS FOR EXCELSIOR MATTING.
4. SEE SPECIFICATIONS FOR BACKFILL.
5. SEE SPECIFICATIONS FOR GRADING.
6. SEE SPECIFICATIONS FOR HAULING.
7. SEE SPECIFICATIONS FOR OFF-SITE MATERIAL.
8. SEE SPECIFICATIONS FOR EXCELSIOR MATTING.
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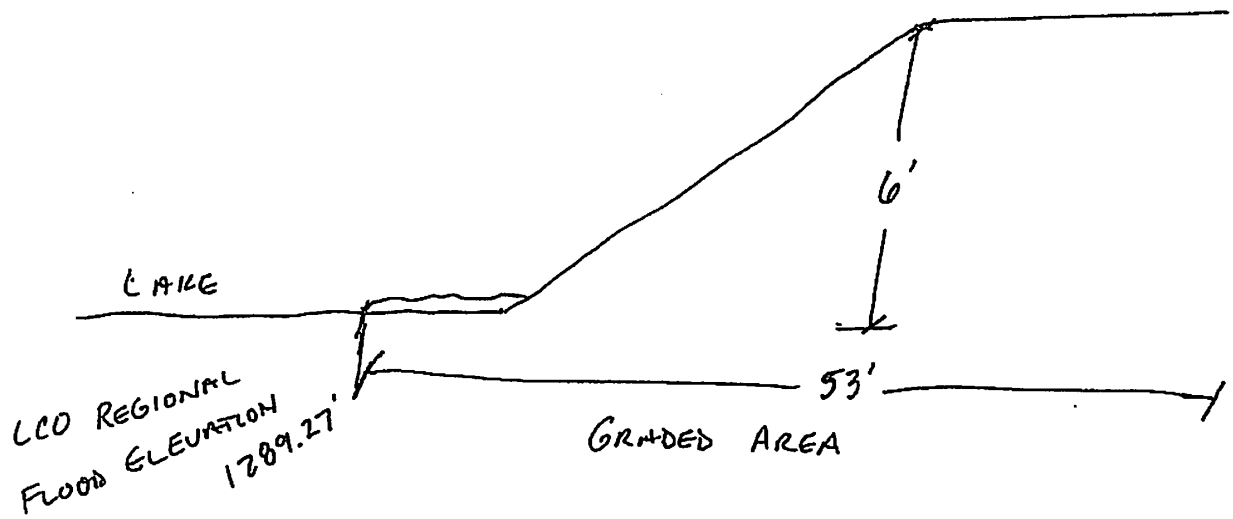
MILLER CABIN

8/26/2020

Hill Construction LLC
17000 U.S. Highway 83
Lafayette, Louisiana 70503
713.834.4700

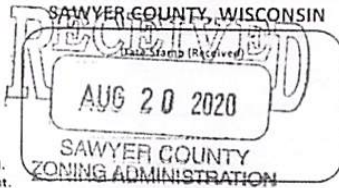
SHEET:
P-0 of 0

PROPOSED: EXISTING SLOPE TO REMAIN THE SAME.



SUBMIT COMPLETED APPLICATION AND FEE TO:
Sawyer County
Zoning & Conservation Depart.
10610 Main St Suite 49
Hayward, WI 54843
(715) 634-8288

APPLICATION FOR LAND USE PERMIT
SAWYER COUNTY, WISCONSIN



Date 9/15/2020
Chk# 14300
Rcpt# 3621 (VH)

20-335

INSTRUCTIONS: No permits will be issued until all fees are paid. Checks are made payable to: Sawyer County Zoning Department.

DO NOT START CONSTRUCTION UNTIL ALL PERMITS HAVE BEEN ISSUED TO APPLICANT. Submittal of this application or receipt of fees does not constitute permit issuance.

Original Application MUST be submitted

FILL OUT IN INK (NO PENCIL)

Owner(s) Name: <u>DEAN & HEIDE MILLER</u>		Contractor(s) Name: <u>HILL CONSTRUCTION, LLC</u>	
Mailing Address: <u>11517 PALISADE COURT NE</u> <u>BLAINE, MN 55449</u>		Mailing Address: <u>15988 US Hwy 63 HAYWARD WI</u>	
Phone: <u>763-218-2500</u>		Phone: <u>715-634-6750</u> <u>715-558-2964</u>	
Email: <u>dmiller@acqbi.com</u>		Email: <u>jeremy@hillconstruction.net</u>	
Site address:	<u>6953N WOLFE POINT LN</u>	Or Date applied for:	
Legacy PIN #	<u>002839065404</u>	Town of:	<u>BHSS LAKE</u>
Permit delivery Method ☐ Call Owner ☐ Mail Owner ☒ Call Contractor ☐ Mail Contractor			

☐ Shoreland	☐ Is Property/Land within 300 feet of River, Stream (incl. Intermittent) Creek or Landward side of Floodplain? <u>If yes---continue</u> →	Distance Structure is from Shoreline : _____ feet	Is your Property in Floodplain Zone? Yes ☒ No	Are Wetlands Present? Yes ☒ No
	☒ Is Property/Land within 1000 feet of Lake, Pond or Flowage <u>If yes---continue</u> →	Distance Structure is from Shoreline : <u>1</u> feet		
☐ Non-Shoreland				

Value at Time of Completion * include donated time & material	Describe Project type (House, garage, shed, deck, Addition, etc...) List separately	Number of Stories	Project Foundation (Basement, Crawlspace, Slab)	Total # of bedrooms <u>Post construction</u>	What Type & Capacity is the Sewer/Sanitary System(s)
\$ <u>600,000</u> Dwelling	<u>HOUSE</u>	<u>2</u>	<u>BASEMENT</u>	<u>3</u>	<u>2 BEDROOM</u> <u>SEE PERMIT 13-137</u>
\$ _____ Accessory Bldg					
\$ _____ Addition/Alteration					

Proposed Use	✓	Proposed Structure	Dimensions	Total Square Footage (multiply per story)	Height: Lowest Grade to Highest Peak
☒ Residential Use	✓	Residence <u>see Plan</u>	<u>23' x 44'</u>	<u>960</u>	<u>Ft. 34'6"</u>
	✓	with 2nd story or loft	<u>23' x 44'</u>	<u>760</u>	<u>Ft.</u>
	✓	with Basement <u>see Plan</u>	<u>21' x 38'</u>	<u>944</u>	<u>Ft.</u>
		Accessory Structure (explain) (detached garages, sheds, boat houses, etc.)	(X)		<u>Ft.</u>
	✓	Deck/Patio	<u>20' x 15'</u>	<u>300</u>	<u>Ft.</u>
	✓	Porch - <u>FRONT STEP/DECK</u>	<u>8' x 21'</u>	<u>168</u>	<u>Ft.</u>
	✓	Other (explain) <u>CONCRETE STEPS & WALKWAY</u>	<u>9' x 15'</u> <u>4' x 19'</u> <u>5' x 34'</u>	<u>381</u>	<u>Ft.</u>
☐ Agricultural Use		Principal Structure (Agricultural, Commercial, Municipal, Etc.)	(X)		<u>Ft.</u>
☐ Commercial/Industrial Use		Addition/Alteration (explain)	(X)		<u>Ft.</u>
☐ Municipal Use					
☐ Other					
Total habitable square feet: <u>2664</u>			Total Non-habitable square feet: (decks, patios, garages, sheds, storage area & other structures) <u>849</u>		

Original Application MUST be submitted

Attach a Plan or Sketch your Property on 8.5" x 11" or 8.5" x 14" paper: *Must* Include location and setback of proposed and existing structures, roads, driveway, sanitary components, well, lake, river, stream, and wetlands.

Description	Setback Measurements	Description	Setback Measurements
Setback from the Centerline of Platted Road and/or	460 Feet	Setback from the Lake (ordinary high-water mark)	1 Feet
Setback from the Established Right-of-Way	Feet	Setback from the River, Stream, Creek	Feet
		Setback from the Bluff (if applicable)	Feet
Setback from the North Lot Line	1 Feet		
Setback from the South Lot Line	218 Feet	Setback from Wetland	Feet
Setback from the West Lot Line	15 Feet	Slope within area of construction/disturbance	% Slope
Setback from the East Lot Line	13 Feet	Elevation of Floodplain	Feet
Setback to Septic Tank or Holding Tank	40 Feet	Setback to Well	5-8 Feet
Setback to Drain Field	150 Feet		
Setback to Privy (Portable, Composting)	Feet		

Prior to the placement or construction of a structure within five (5) feet of the minimum required setback, the boundary line from which the setback must be measured must be visible from one previously surveyed corner to the other previously surveyed corner or marked by a licensed surveyor at the owner's expense.

Prior to the placement or construction of a structure more than five (5) feet but less than ten (10) feet from the minimum required setback, the boundary line from which the setback must be measured must be visible from one previously surveyed corner to the other previously surveyed corner, or verifiable by the Department by use of a corrected compass from a known corner within 500 feet of the proposed site of the structure, or must be marked by a licensed surveyor at the owner's expense.

For Shoreland property, complete the Impervious surface worksheet below

Calculate Impervious surfaces. (Roofed, concrete, paved, and other surfaces that water cannot penetrate. The Zoning Office can help you determine if a surface is considered impervious)

Calculate lot area:

Indicate lot size from CSM or NOVUS (circle one): .259 Acres; Multiply by 43,560 = Lot area: 11325 Square Footage

Calculate impervious surface area:

Determine the total size, in square feet, of your projects listed above (include eaves): 1641 sq. ft. *- replacing existing in exact dimensions*

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

Determine the total size, in square feet, of all existing paved/bricked/blocked surfaces: _____ sq. ft.

Add these measurements to determine total impervious surfaces: 1641 sq. ft.

Calculate impervious lot percentage

Total impervious surface: 1641 ÷ Lot area: 11325 Sq. ft. X 100 = Impervious surface 14.49 %
(Mitigation is required if total exceeds 15%)

*****Notice a separate grading permit needs to be obtained if disturbed area is within the Shoreland district as indicated on previous page and meets criteria below*****

• Grading on a slope greater than 20%	• Grading of more than 1,000 Sq. Ft. on 12%-20% slopes
• Grading of more than 2,000 Sq. Ft. on Slopes less than 12%	• Grading is in excess of 10,000 Sq. Ft.

FAILURE TO OBTAIN A PERMIT OR STARTING CONSTRUCTION WITHOUT A PERMIT WILL RESULT IN PENALTIES

I (we) declare that this application (including any accompanying information) has been examined by me (us) and to the best of my (our) knowledge and belief it is true, correct and complete. I (we) acknowledge that I (we) am (are) responsible for the detail and accuracy of all information I (we) am (are) providing and that it will be relied upon by Sawyer County in determining whether to issue a permit. I (we) further accept liability which may be a result of Sawyer County relying on this information I (we) am (are) providing in or with this application. I (we) consent to county officials charged with administering county ordinances to have access to the above described property at any reasonable time for the purpose of inspection. Additionally, the undersigned person(s) hereby give permission for access to the property for onsite inspection by Municipal Officials.

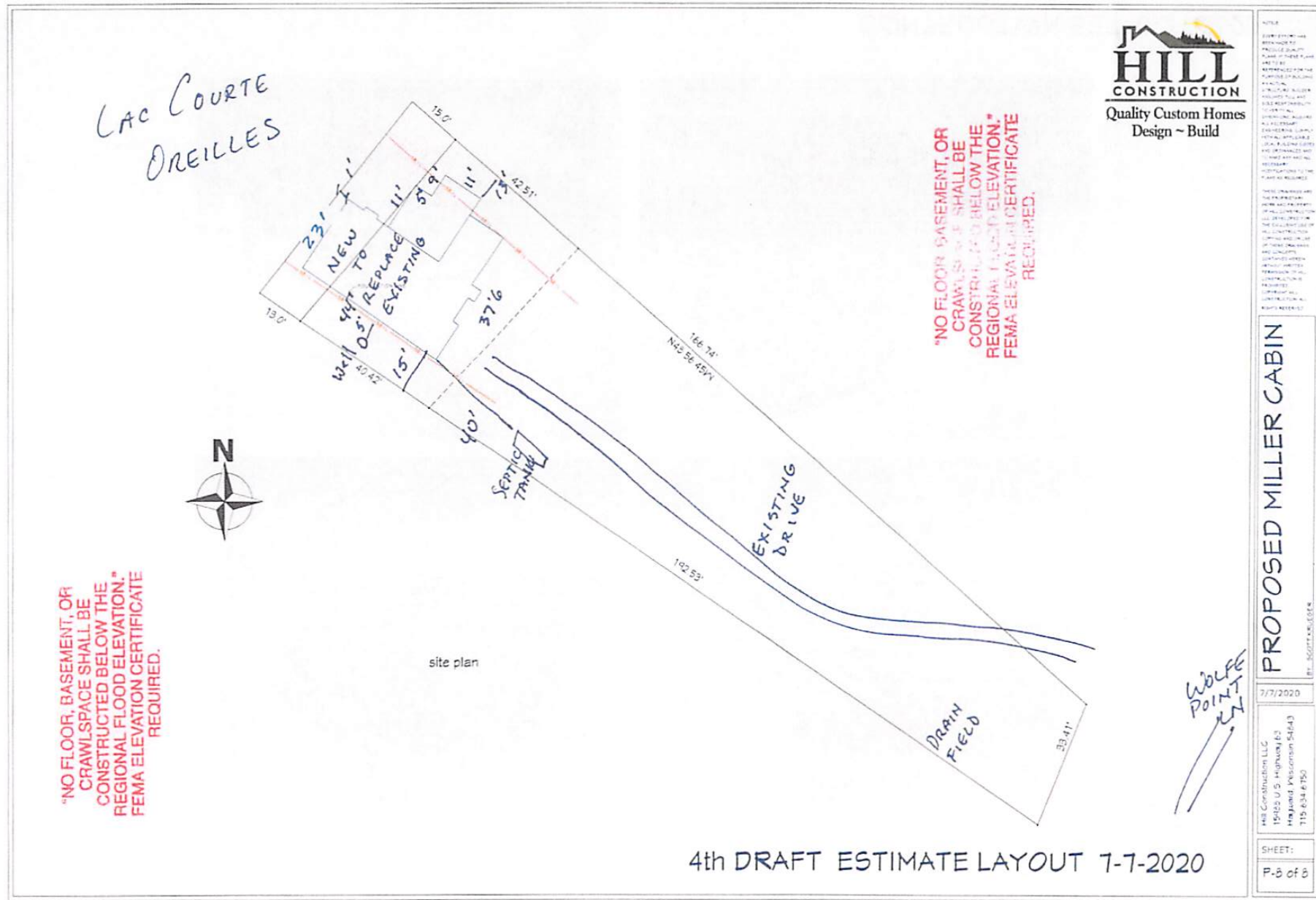
Owner Signature: [Signature] Owner Printed name: DEAN A. MILLER Date: _____
(Signature and Printed Name required)

NOTICE: All Land Use Permits Expire One (1) Year from the Date of Issuance.

For the Construction Of New One & Two Family Dwelling: All Municipalities Are Required To Enforce The Uniform Dwelling Code.
The local Town, State or Federal agencies may also require permits.

You are responsible for complying with the requirements of the Sawyer County Zoning Ordinances and law and regulations of the State of Wisconsin. You are also responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. 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 a department of natural resources service center (608) 267-3125

Issuance Information (County Use Only)		Sanitary Number: <u>20-196</u>	# of bedrooms: _____
Permit Denied (Date): _____		Reason for Denial: _____	
Permit #: <u>20-335</u>		Issuing agent: <u>[Signature]</u>	Date: <u>9/11/2020</u>
Is Parcel a Sub-Standard Lot	☒ Yes (Deed of Record) ☐ No	Mitigation Required	☐ Yes ☒ No
Is Parcel in Common Ownership	☒ Yes (Fused/Contiguous Lot(s)) ☐ No	Mitigation Attached	☐ Yes ☒ No
Is Structure Non-Conforming	☒ Yes ☐ No		
Granted by Variance (B.O.A.) ☐ Yes ☒ No Case #: _____		Granted by Conditional Use ☐ Yes ☒ No Case #: _____	
Was Parcel Legally Created ☒ Yes ☐ No		Were Property Lines Represented by Owner ☒ Yes ☐ No	
Was Proposed Building Site Delineated ☒ Yes ☐ No		Was Property Surveyed ☒ Yes ☐ No	
Office Comments: <u>New structure must remain in existing footprint as shown in plans & field measurements.</u>		Zone District: <u>RR-1</u>	Fee: <u>600</u>
Hold For Sanitary: _____	Hold For TDA: _____	Hold For Affidavit: _____	Hold For Fees: _____





HILL
CONSTRUCTION
Quality Custom Homes
Design ~ Build

THESE DRAWINGS AND THE INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF HILL CONSTRUCTION, LLC. DEVELOPER FOR THE MILLER CABIN. HILL CONSTRUCTION, LLC IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION NOT PROVIDED BY THE CLIENT. HILL CONSTRUCTION, LLC IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION NOT PROVIDED BY THE CLIENT. HILL CONSTRUCTION, LLC IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION NOT PROVIDED BY THE CLIENT.

MILLER CABIN

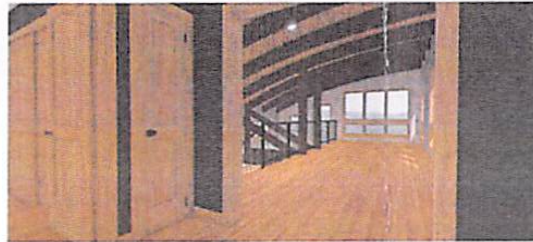
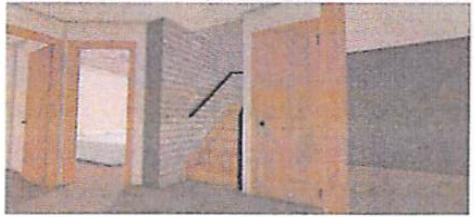
8/26/2020

Hill Construction LLC
1500 S. Highway 43
Hill, Wisconsin 54443
715-834-6750

SHEET:

P-1 of 8

CONSTRUCTION SET 8-21-2020



NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC) AND THE 2018 INTERNATIONAL ENERGY CODE (IECC).
 2. ALL MATERIALS SHALL BE OF QUALITY AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
 3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 4. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
 5. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
 6. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
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 9. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
 10. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.

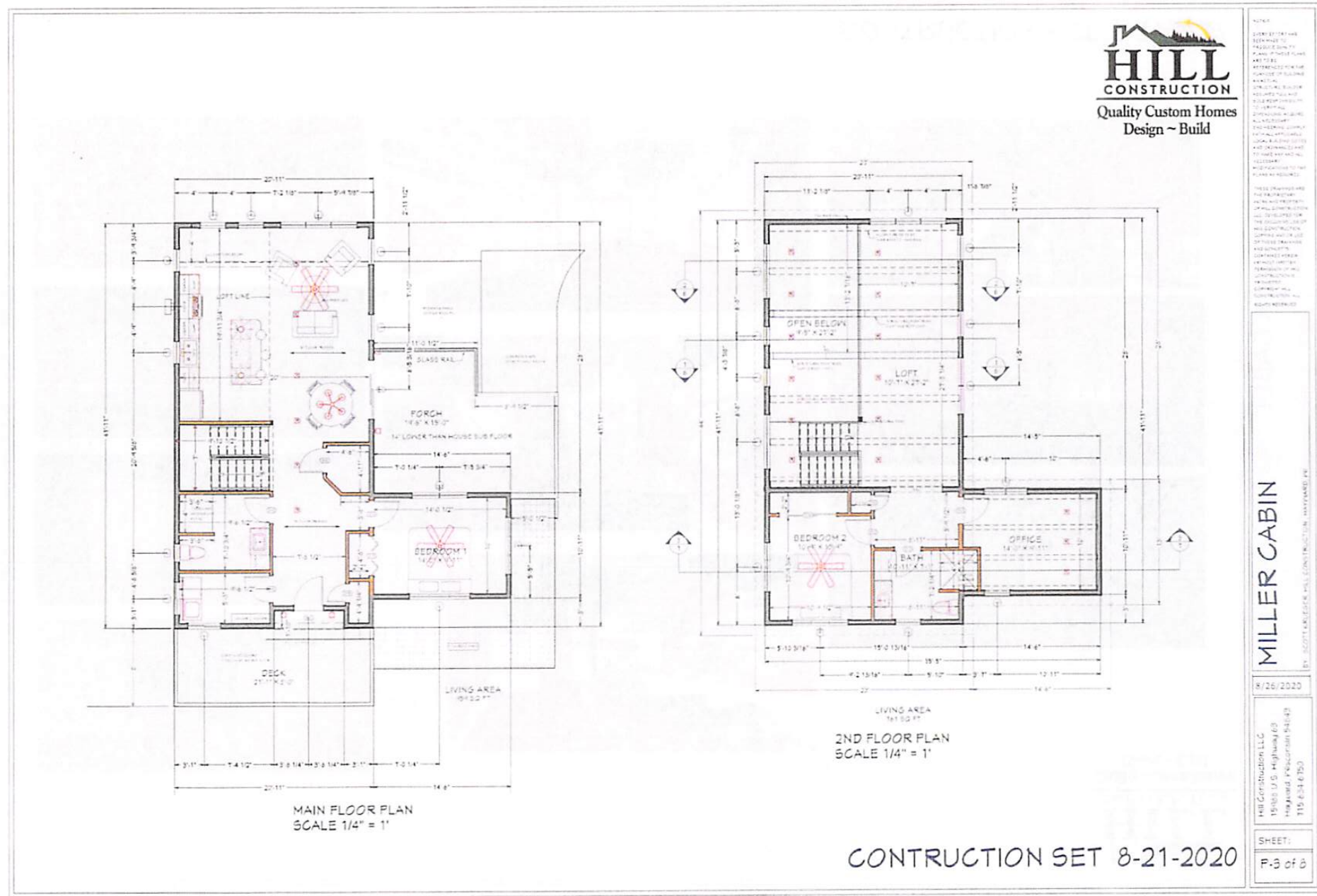
MILLER CABIN

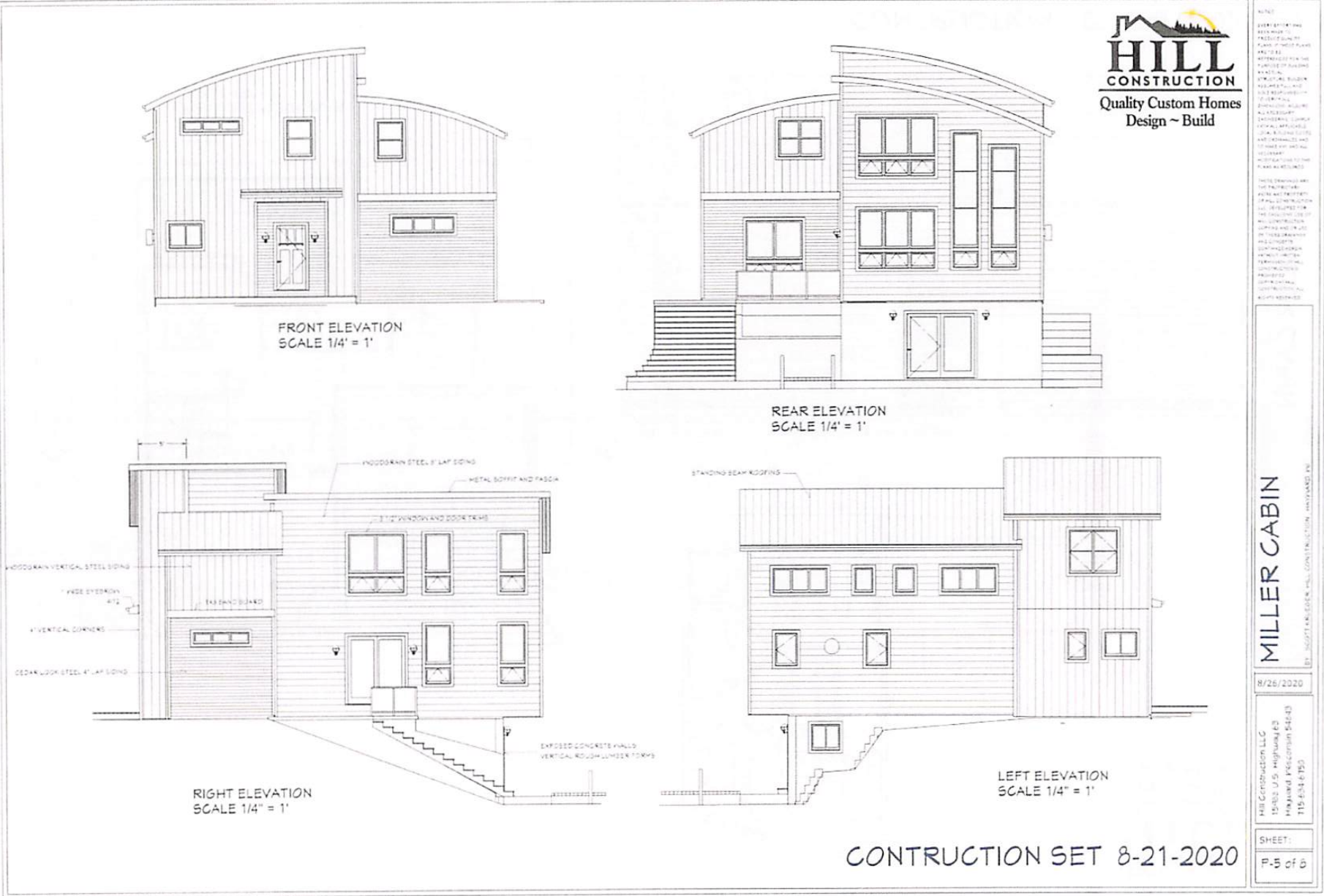
8/26/2020

Hill Construction LLC
 15100 S. Highway 63
 Hayward, California 94543
 925.633.8755

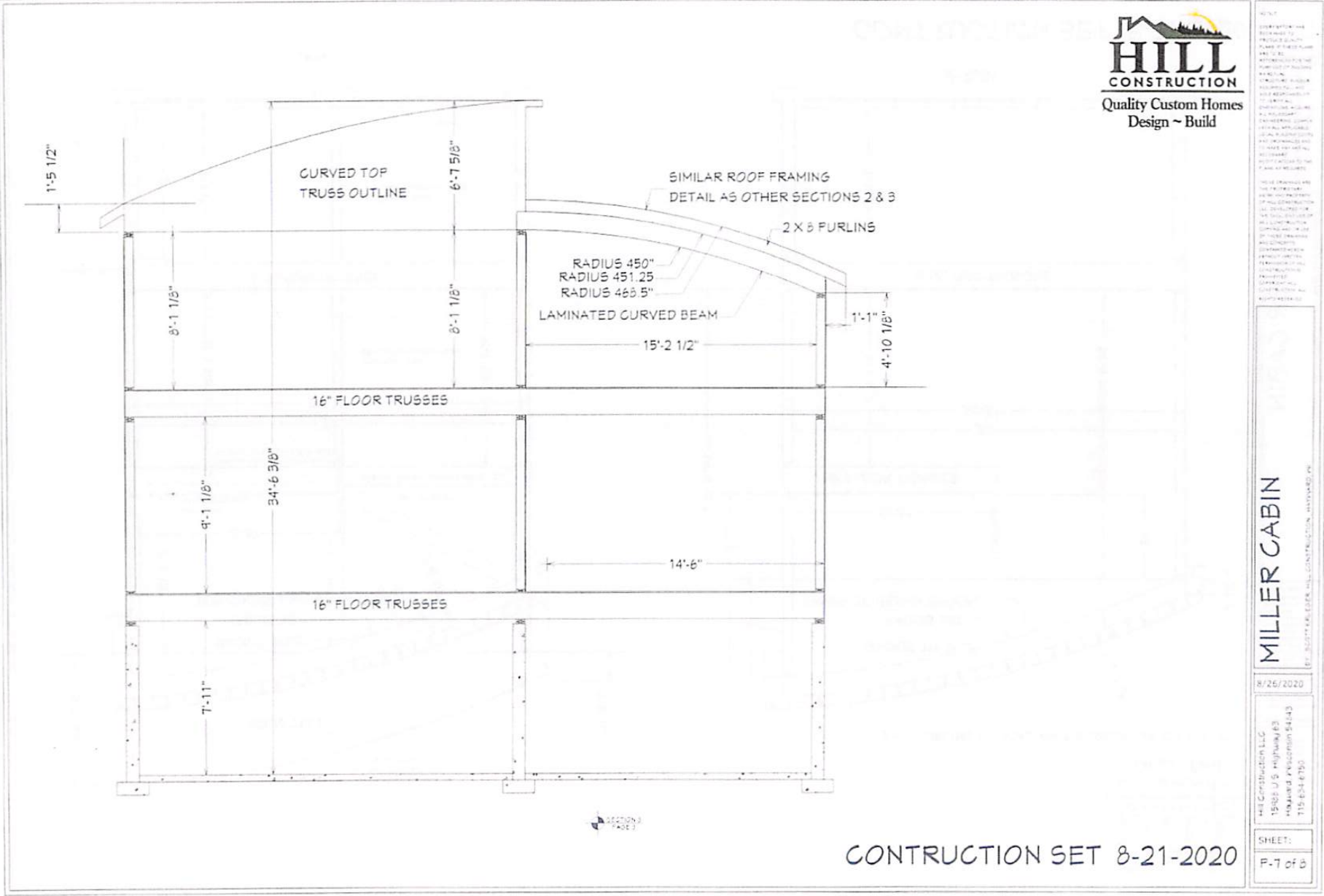
SHEET:
 F-2 of 6

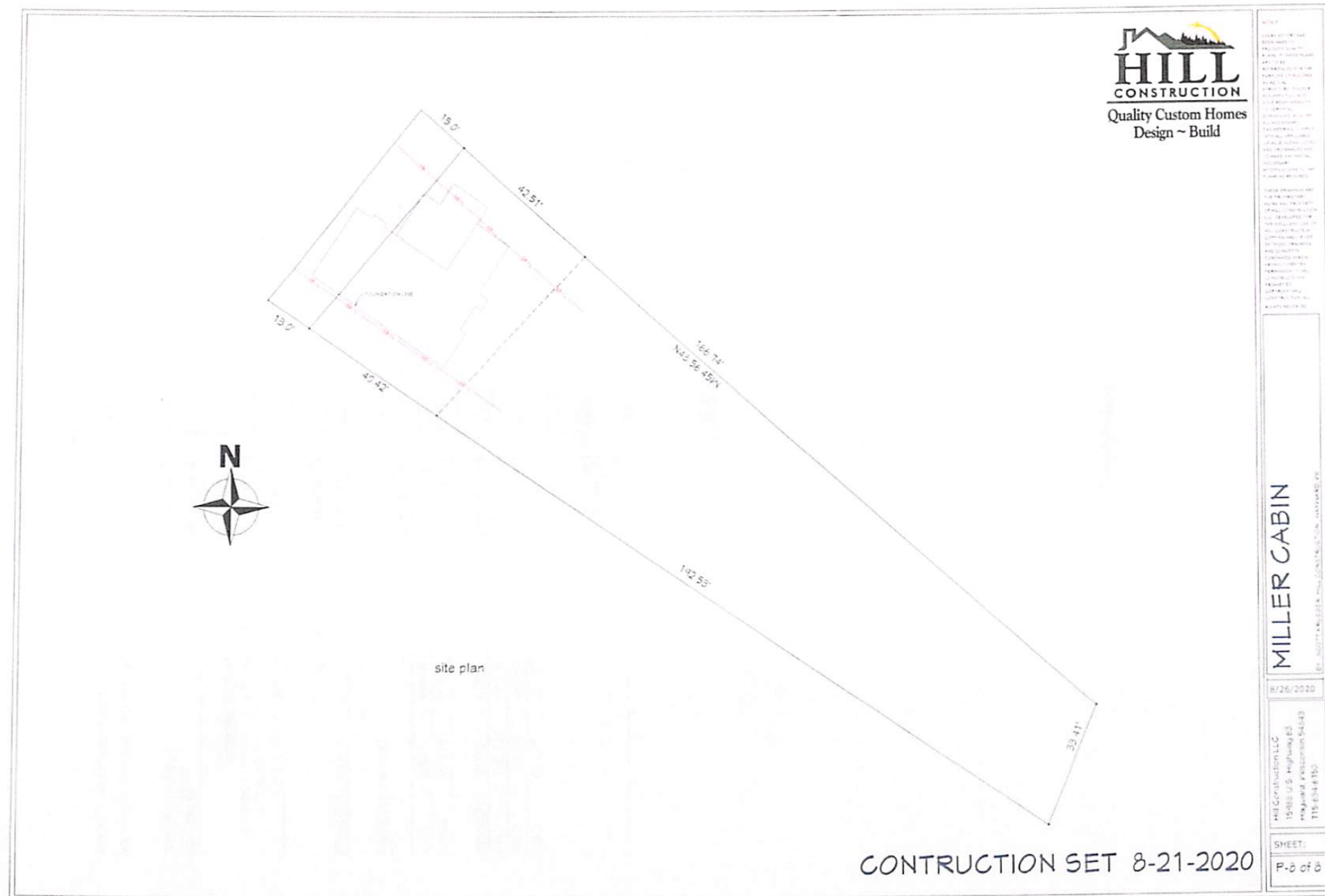
CONSTRUCTION SET 8-21-2020











8/24/2020

Real Property Listing Page

Real Estate Sawyer County Property Listing

Today's Date: 8/24/2020

Property Status: Current
Created On: 2/6/2007 7:55:04 AM

Description Updated: 12/16/2019

Tax ID:	1945
PIN:	57-002-2-39-08-06-5 05-004-000040
Legacy PIN:	002839065404
Map ID:	:4.4
Municipality:	(002) TOWN OF BASS LAKE
STR:	S06 T39N R08W
Description:	PRT GOVT LOT 4 LOT 3 CSM 12/357 #3034
Recorded Acres:	0.260
Calculated Acres:	0.246
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Lac Courte Oreilles
Zoning:	(RR1) Residential/Recreational One
ESN:	447

Tax Districts Updated: 2/6/2007

1	State of Wisconsin
57	Sawyer County
002	Town of Bass Lake
572478	Hayward Community School District
001700	Technical College

Recorded Documents Updated: 12/16/2019

WARRANTY DEED	
Date Recorded: 8/30/1994	243756 539/27
CERTIFIED SURVEY MAP	
Date Recorded: 6/5/1989	213975

Ownership Updated: 2/6/2007

DEAN A & HEIDE M MILLER BLAINE MN

Billing Address:	Mailing Address:
DEAN A & HEIDE M MILLER	DEAN A & HEIDE M MILLER
11517 PALISADE COURT NE	11517 PALISADE COURT NE
BLAINE MN 55449-3913	BLAINE MN 55449-3913

Site Address * Indicates Private Road

6953N WOLFE POINT LN * STONE LAKE 54876

Property Assessment Updated: 9/13/2012

2020 Assessment Detail			
Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.260	135,000	50,400

2-Year Comparison			
	2019	2020	Change
Land:	135,000	135,000	0.0%
Improved:	50,400	50,400	0.0%
Total:	185,400	185,400	0.0%

Property History

N/A

Point North Land Surveying and Mapping Inc.

PO Box 446 Hayward, WI 54843

715.699.6817, info@pointnorthland.com

Monday, October 1, 2018

Dale Olson
Sawyer County Zoning Admin
Hayward, WI 54843

Cc: Dean Miller

RE: Flood Plane Elevations at 6953N WOLFE POINT LN
PRT GOVT LOT 4 LOT 3 CSM 12/357
Section 33, T40N, R09W, Town of Bass Lake, Sawyer County Wisconsin.

Tax ID:	1945
PIN:	57-002-2-39-08-06-5 05-004-000040
Legacy PIN:	002839065404
Map ID:	4.4

Mr. Olson,

*8/27/20
as per phone call this was
measured to the basement site.*

I measured the finished lowest floor elevation for the buildings of said property.
6953N lowest floor elevation is 1289.50' NGVD29.

I believe that the remainder of the existing floor to be equal to this elevation. The Regional Flood
Elevation for the Lac Courte Oreilles Lake is at 1289.27' NGVD29 published at Sawyer County
Zoning Office.

Benchmark has been placed on said property - elevation of 1289.5' NGVD29

All elevations are based on NGVD29 vertical datum.

If you have any questions please contact me.

Sincerely,

Todd



**"NO FLOOR, BASEMENT, OR
CRAWLSPACE SHALL BE
CONSTRUCTED BELOW THE
REGIONAL FLOOD ELEVATION."
FEMA ELEVATION CERTIFICATE
REQUIRED.**

Todd C. Goold
WI RLS # 2489
Point North Land Surveying and Mapping
todd@pointnorthland.com
www.pointnorthland.com
info@pointnorthland.com
715.699.6817

Zoning Property Type / Zoning Management

Zoning Assignments

Updated By: Deb Hammerel
 Updated On: 1/29/2008 1:53:59 PM

Add: 

 (RR1) Residential/Recreational One

Shoreline Assignments

Updated By: Conversion
 Updated On: 2/6/2007 7:59:28 AM

Add: 

 Lac Courte Oreilles

Zoning Notes

No zoning notes for this property

[Add Note](#)

Add POWTS

POWT Type	Notes	Updated By:	Updated On:
- Conventional		conversion-Carmody Systems	08/29/2013
Maint - Pump 7/8/2017	cleaned filter	Northwest Sanitary	08/08/2017

Add Notification

Notes	Updated By:	Updated On:
No Notification found for this property		

Add Permit

Permit No Type Issue Date	Updated By:	Updated On:
- 20-008 INS 6/10/2020	Valerie Heath	06/10/2020
Document 002-839-06-5404-INS-2020-008	INS Document	
- 13-092 CST 8/29/2013	conversion-Legacy Permit System	01/01/2019
Document 002-839-06-5404-CST-2013-092	CST Document	
- 13-137 SAN 8/29/2013	conversion-Legacy Permit System	01/01/2019
Document 002-839-06-5404-SAN-2013-137	SAN Document	

Timeline Dean & Heide Miller Cabin Construction @ 6953N Wolfe Point Lane, Stone Lake, WI

May 2020 – The Millers met with Jeremy Hill, owner of Hill Construction to discuss cabin renovation/new construction for existing cabin. Jeremy Hill suggest that the Millers meet with an official from the Sawyer County Zoning & Conservation Department at the site to discuss what would be allowed for a renovation or new construction. Jeremy Hill arranged a meeting on June 8, 2020.

June 8, 2020 – Jeremy Hill, owner of Hill Construction, Dean and Heide Miller, property owners and Pat Brown, Assistant Zoning and Conservation Administrator, Sawyer County Zoning & Conservation Department met at the Miller cabin located at 6953N Wolfe Point Lane, Stone Lake, WI on the eastern shore of Lake Lac Court Oreilles on Wolfe Point. Pat Brown stated that the options for new construction were to build in the existing footprint or 75 feet back from the lake. Since the lot is substandard, building 75 feet back from the lake was not an option. See Exhibit J - Certified Survey Map dated June 2, 1989.

Dean Miller asked what exactly was the footprint of the cabin. Pat Brown stated that the footprint was the existing cabin structure out to the eaves of the structure. Pat Brown also stated the new height of a structure built in an existing footprint could not exceed 35 feet in height from the floor of the lowest level to the top of the highest peak. The existing cabin cantilevered out five feet from the foundation including the eaves on the lake side. Jeremy Hill, Pat Brown, Dean and Heide Miller went to the front of the cabin on the lake side and looked at how the cabin including the eaves cantilevered over the foundation by five feet. The cabin not including the eaves cantilevered over the foundation by four feet. Dean Miller asked Pat Brown what we could do on the front of the cabin and Pat Brown stated that as long as we stayed in the existing foot print the walkway could exist along the front of the cabin. Dean Miller asked Pat Brown do you mean that we can have a 5 foot wide walkway across the front of the cabin and Pat Brown answered yes that is correct. This is the understanding that we (the Millers) had when we left the meeting on June 8, 2020 with Pat Brown and Jeremy Hill.

June 15, 2020 - The Millers decided to move forward with considering a cabin rebuild in the existing foot print and Hill Construction drew up the plans reflecting the information and direction regarding existing footprint given to us by Pat Brown at the June 8, 2020 on site meeting.

August 12, 2020 – The Millers approved the final plans and building costs from Hill Construction for a cabin re-build in the footprint of their existing cabin.

August 27, 2020 – Carrie Bender, Hill Construction delivered the Land Use Application Permit (Exhibit A) to Sawyer County Zoning. Pat Brown from Sawyer County Zoning contacted Carrie Bender about a grading permit for the Miller construction and requested a set of plans since

Timeline Dean & Heide Miller Cabin Construction – page 2

this cabin was so close to the water, it would be a high profile build and a highly visible construction site. Pat wanted to review the plans right away to make sure everything was good. Carrie Bender emailed the building plans to Pat Brown for Zoning's review. See Exhibit B – email from Carrie Bender to Pat Brown dated 08/27/2020 at 2:36 pm indicating the Miller CONSTRUCTION Set 8-21-2020 pdf was sent.

August 28, 2020 - Carrie Bender submitted the Sawyer County Application for Grading (Exhibit C) to Sawyer County Zoning.

September 16, 2020 – Sawyer County Zoning issued Land Use Permit #20-339 (Exhibit D) for the construction of the Miller cabin by Hill Construction.

October 26, 2020 – Walkways, footings and basement walls are complete. See Exhibit E – photo of completed areas.

January 19, 2021 – The Millers received the attached letter from Jennifer Croonberg-Murphy, Water Management Specialist for the Wisconsin Department of Natural Resources (Exhibit F) regarding information that they had received in relation to a seawall project in or adjacent to Lac Courte Oreilles, an Area of Special Natural Resource Interest (ASNRI) waterway.

January 21, 2021 – Jeremy Hill, Hill Construction received the attached letter (Exhibit G) from Pat Brown, Assistant Zoning and Conservation Administrator, Sawyer County Zoning & Conservation Department.

March 22, 2021 – The Millers received the attached letter from Jenny Murphy, Waterway and Wetlands Compliance Specialist for the Wisconsin Department of Natural Resources (Exhibit H) closing out the enforcement inquiry on the Miller property. "Based on the compliance review, it appears that the project did not take place on the lake bed and is not the jurisdiction of the department."

April 14, 2021 – The Millers received the attached letter from Jay Kozlowski, Sawyer County Zoning & Conservation Administrator for Sawyer County Zoning & Conservation Department (Exhibit I) regarding the illegal expansion of walkways and relocation of retaining wall not in same footprint for property located at 6953N Wolfe Point Lane.

May 27, 2021 – The Millers applied for an A-T-F variance with Sawyer County Zoning & Conservation Department.

Photo #5 taken on June 8, 1996 shows that the walkway extended in front of the single door of the cabin which is further than it extended at the Zoning site visit on June 8, 2020. The additional walkway shifted and was broken apart over time from the annual spring ice flows and ice surges on the lake over the past 25 years.

5/20/2021

IMG_0938.jpg

Exhibit E



10/26/2020

<https://mail.google.com/mail/u/1/#inbox/FMfcgzGkXSTfBzPKRLwfCnPzKzbsdgbW?projector=1&messagePartId=0.1>

1/1

Exhibit F

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2501 Golf Course Road
Ashland, WI 54806

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



January 19, 2021

File Ref: 1109_Miller-2021

Dean & Heide Miller
1157 Palisade Court NE
Blaine, MN 55449

Subject: Waterway concerns on property located in Sec 6 T39N 08W described as PRT GOVT LOT 4 LOT 3 CSM 12/357 #3034, Town of Bass Lake, Sawyer County

Dear Mr. or Ms. Miller:

The Department would like to speak with you regarding information received in relation to a seawall project in or adjacent to Lac Courte Oreilles, an Area of Special Natural Resource Interest (ASNRI) waterway. The project site is located in the Town of Bass Lake, Sawyer County.

According to Sawyer County's tax records, the project site has tax key number 1945 (listed to Dean & Heide Miller).

Written authorization pursuant to s. 30.12(3m), Wis. Stats. is typically required prior to conducting this type of activity. A review of Department permit records indicates that approvals have not been issued. At this time, please discontinue additional work until the Department has had an opportunity to discuss your project in detail.

Please note this work may also require authorization from the Corps of Engineers, Sawyer County, Lac Court Oreilles and/or the Town of Bass Lake. You should contact them as well to determine if additional regulations apply to your project.

Please contact me at (715) 416-5017 or email Jennifer.CroonborgMurphy@wisconsin.gov within 15 days of this letter to set up an appointment to inspect the site and determine a remedy to the situation. Your prompt attention in this matter is greatly appreciated. I look forward to hearing from you soon.

Sincerely,


Jennifer Croonborg-Murphy
Water Management Specialist

CC:
William Sande, US Army Corps of Engineers
Dan Tyrolt, Lac Courte Oreilles Band of Lake Superior Chippewa Indians
Jay Kozlowski, Sawyer County Zoning
Erica Warshawsky, Town of Bass Lake
Aaron Koshatka, Conservation Warden
Keith Patrick, Waterway Field Supervisor
File



Exhibit G

SAWYER COUNTY ZONING & CONSERVATION DEPARTMENT

10610 MAIN STREET SUITE 49 • HAYWARD, WISCONSIN 54843 • Phone (715) 634-8288

Email: pat.brown@sawyercountygov.org

Website: www.sawyercountygov.org

Toll Free Courthouse/General Information 1-877-699-4110

January 21, 2021

Jeremy Hill
C/O Hill Construction LLC
15988 US Hwy 63
Hayward, WI 54843

Re: Construction at 6953N Wolfe Point Ln

Jeremy,

Recently our office has received phone calls and emails regarding the construction in progress at the address above.

On the 19th of January I made a site visit to verify that the project was working within the constraints of the Land Use Permit that was issued on 9/16/2020. I found that there was a newly constructed "sidewalk" or "seawall" constructed in an area that it wasn't previously located. By my pre-construction field notes I show the original house cantilevered out four feet from the foundation. This sidewalk or seawall now extends out five feet from the foundation wall. By ordinance that is considered a new structure within the Shoreland setback area and unfortunately not allowed.

This portion of the structure will have to be removed or receive an after-the-fact variance. Please contact me within 14 days of this letter to discuss those options.

If nothing is done to remedy this I will have to issue a citation(s) in the amount(s) of \$438 and \$375 for Action Conducted without Land Use Permit and Setback Violations from navigable Waters. Additionally a daily forfeiture would be determined by the courts.

Please contact me by **February 4th 2021**.

Thank You,

Pat Brown

Assistant Zoning and Conservation Administrator

Exhibit H

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Ashland Service Center
2501 Golf Course Road
Ashland, WI 54806

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



March 22, 2021

File Ref: 1109_Miller_2021

Dean & Heide Miller
1157 Palisade Court NE
Blaine, MN 55449

Subject: Closeout of notice of enforcement inquiry on parcel located in Sec 6 T39N 08W described as PRT GOVT LOT 4 LOT 3 CSM 12/357 #3034, Town of Bass Lake, Sawyer County

Dear Mr. or Ms. Miller:

This letter outlines the results of our compliance review conducted on your property located in the Sec 6 T39N 08. The review was completed on March 10, 2021. Department staff met with Sawyer County Zoning and reviewed zoning permit records and photos, current and historic aerial imagery, photographs and construction plans submitted by your contractor, Wisconsin Surface Water Data Viewer and lidar imagery.

Based on this compliance review, it appears the project did not take place on lake bed and is not the jurisdiction of the department. Therefore, no additional enforcement action will be taken. Please be aware, department inaction does not preclude other jurisdictions from taking enforcement action.

I greatly appreciate your cooperation in this matter. The department strives to safeguard our natural resources and public interest, as well as protect the life, health and safety of all Wisconsin's citizens. If you have any future waterway and/or wetland questions, please feel free to email me at jennifer.croonborgmurphy@wisconsin.gov.

Sincerely,

Jenny Murphy
Waterway and Wetlands Compliance Specialist

CC:
William Sande, US Army Corps of Engineers
Dan Tyrolt, Lac Courte Oreilles Band of Lake Superior Chippewa Indians
Jay Kozłowski, Sawyer County Zoning
Erica Warshawsky, Town of Bass Lake
Aaron Koshatka, Conservation Warden
Keith Patrick, Waterway Field Supervisor
File

Exhibit I



SAWYER COUNTY ZONING & CONSERVATION DEPARTMENT

10610 MAIN STREET SUITE 49 • HAYWARD, WISCONSIN 54843 • Phone (715) 638-3224

Email: jay.kozlowski@sawyercountygov.org

Website: www.sawyercountygov.org

April 14, 2021

Dean & Heide Miller
11517 Palisade Court NE
Blaine, MN 55449

C.C.
Jeremy Hill
Hill Construction, LLC
15988 US Hwy 63
Hayward, WI 54843

RE: Illegal expansion of walkways and relocation of retaining wall not in same footprint for property located at 6953N Wolfe Point Lane

To: Dean & Heide

Our office received several complaints regarding the new construction located at 6953N Wolfe Point Lane. On February 15, 2021 Pat Brown from Sawyer County Zoning and myself made an onsite inspection report to verify compliance with the issuance of Land Use Permit 20-335. At that time photos were taken that are further referenced in this letter. At that same time the WI DNR was notified about potential violations regarding structures/retaining walls that were replaced below the ordinary high-water mark (OHWM). Over the next several weeks communication continued between the WI DNR and Sawyer County Zoning and Conservation. It was eventually determined that the WI DNR did not have enough evidence to pursue corrective action from the point of structures placed below the OHWM. With that being said all corrective action, enforcement, and violations will be handled by Sawyer County Zoning and Conservation in that structures (retaining walls and walkways) were added that are outside of existing footprints.

The remaining part of this letter will try and describe the specific violations that will require corrective actions. The first corrective action that I want to discuss is the walkway area under the cantilever portion of the house. With there being the existing cantilever portion of the house, you would be allowed to vertically expand within that existing footprint of the wall dimensions. Vertical expansion can be either up or down. The walkway area under the existing wall of the cantilever portion is allowed by Sawyer County Zoning Shoreland-Wetland Protection Ordinance and State Shoreland Zoning Standards. However, the walkway area that was created is now 1' outside of the existing cantilever wall. This 1' expansion closer to the water includes the far end wing-wall back to the point of where the existing retaining wall angle



started. Again, this expansion of the walkway and wing wall would not have been in an existing footprint. This area is shown on the attached (Photo #1). **I am setting an order for correction to have that area removed by June 1, 2021 or apply for an After-the-fact variance. Failure to comply with this order for correction will result in a citation in amount \$389.50 with a daily forfeiture recommendation of \$50 to be submitted to the Courts.** In conversations with the builder it sounds like this should be fairly easy to fix and remove that portion.

The second area that is in violation with the Sawyer County Zoning Shoreland-Wetland Protection Ordinance is two-fold. The area in question is the relocation of the vertical retaining wall that now extends flush with the foundation of the house. Looking at Photo #1 and Photo #3 you can see that the retaining wall was replaced in a different location. Even though the retaining wall was relocated further back the ordinance requirements would only allow for replaced within the existing footprint. This was also mentioned and noted several times on the permit that was issued. By relocating the angled retaining wall further back (outside of the existing footprint) the walkway area there was also expanded. This is where I consider this violation two-fold. This would be considered a violation of the Sawyer County Zoning Shoreland-Wetland Protection Ordinance. **I am setting an order for correction to have that area removed, apply for an After-the-fact variance, OR relocate the new retaining wall back to the existing footprint of the previous retaining wall by June 1, 2021. Failure to comply with this order for correction will result in a citation in amount \$389.50 with a daily forfeiture recommendation of \$50 to be submitted to the Courts.**

The third area that is in violation with the Sawyer County Zoning Shoreland-Wetland Protection Ordinance is shown on Photo #1, Photo #2, and Photo #4. Looking at the photos I can clearly see that the existing walkway terminated at the point where the existing retaining wall peak angle was at. This peak angle was approximately 16" from the existing wall footprint dimension of the existing cantilever portion. It appears that there would be a gap here from where the existing walkway was (which is allowed for replacement in same footprint) and where the vertical expansion below the cantilever portion would be allowed. This expansion of the walkway of approximately 16"x5' would be in violation of the Sawyer County Zoning Shoreland-Wetland Protection Ordinance. **I am setting an order for correction to have that area removed OR apply for an After-the-fact variance. Failure to comply with this order for correction will result in a citation in amount \$389.50 with a daily forfeiture recommendation of \$50 to be submitted to the Courts.**



I understand the lengthiness of this letter and if there is any confusion about the specifics of the violations mentioned in this letter please feel free to contact me. Office hours are 8AM-4PM, M-F and I can be reached at the information at the top of this letter.

Thank you,

A handwritten signature in black ink, appearing to read "Jay Kozlowski".

Jay Kozlowski
Sawyer County Zoning & Conservation Administrator

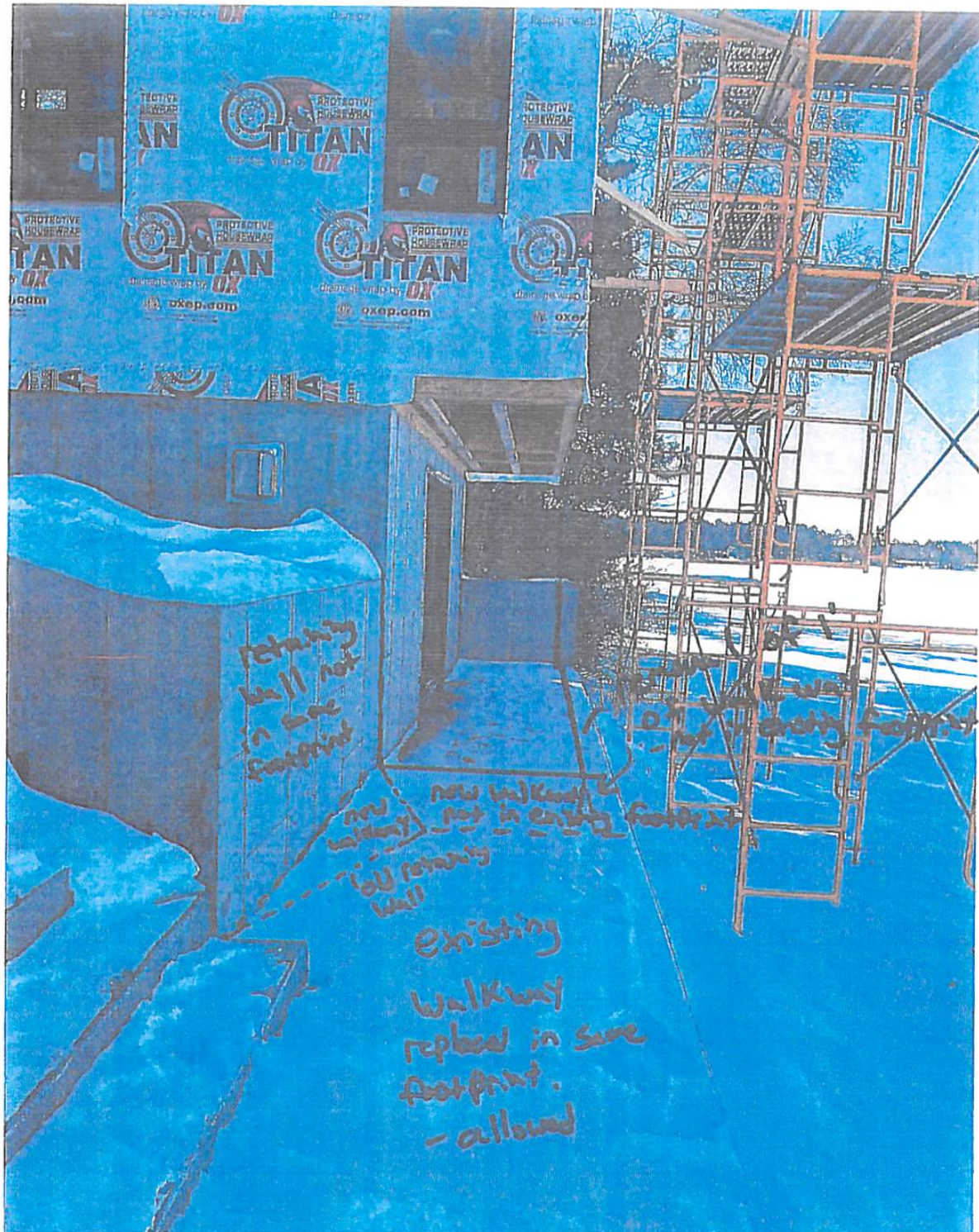
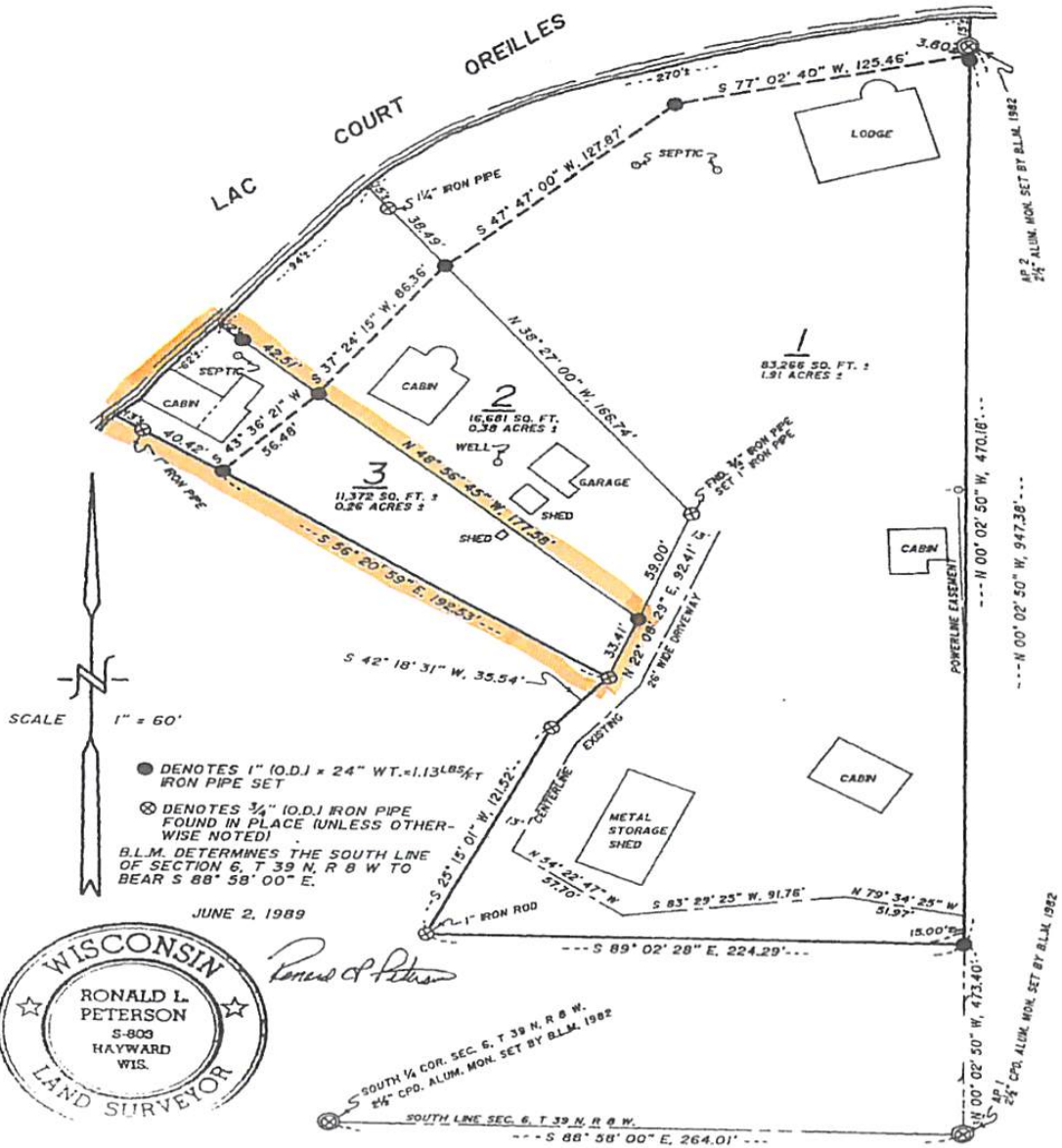


Exhibit J

CERTIFIED SURVEY MAP
PART OF GOV'T. LOT 4, SECTION 6, T 39 N, R 8 W.
SAWYER COUNTY, WISCONSIN.

5101-1



PAGE 1 OF 2 PAGES

Certified Survey No. 3034

357

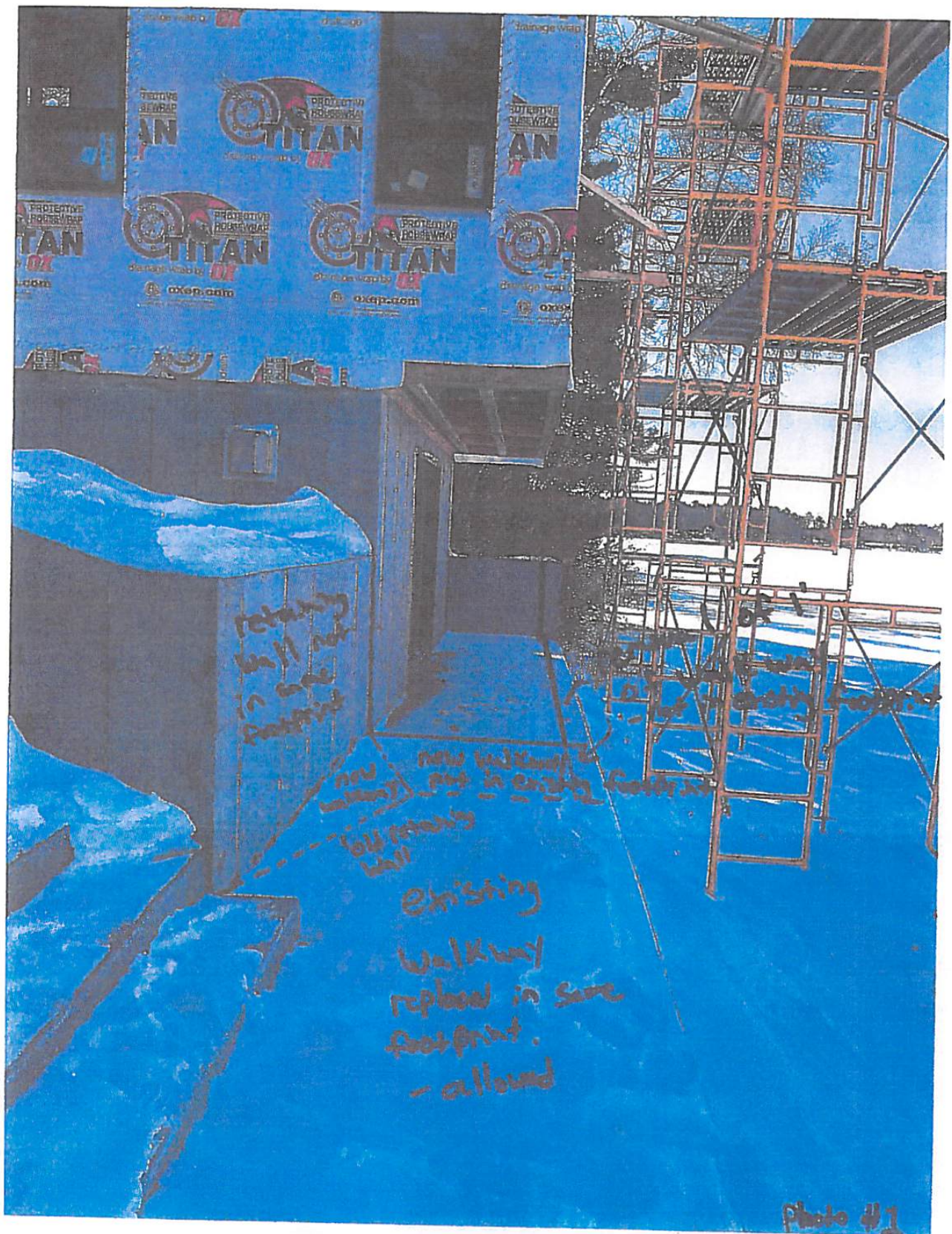




Photo #3

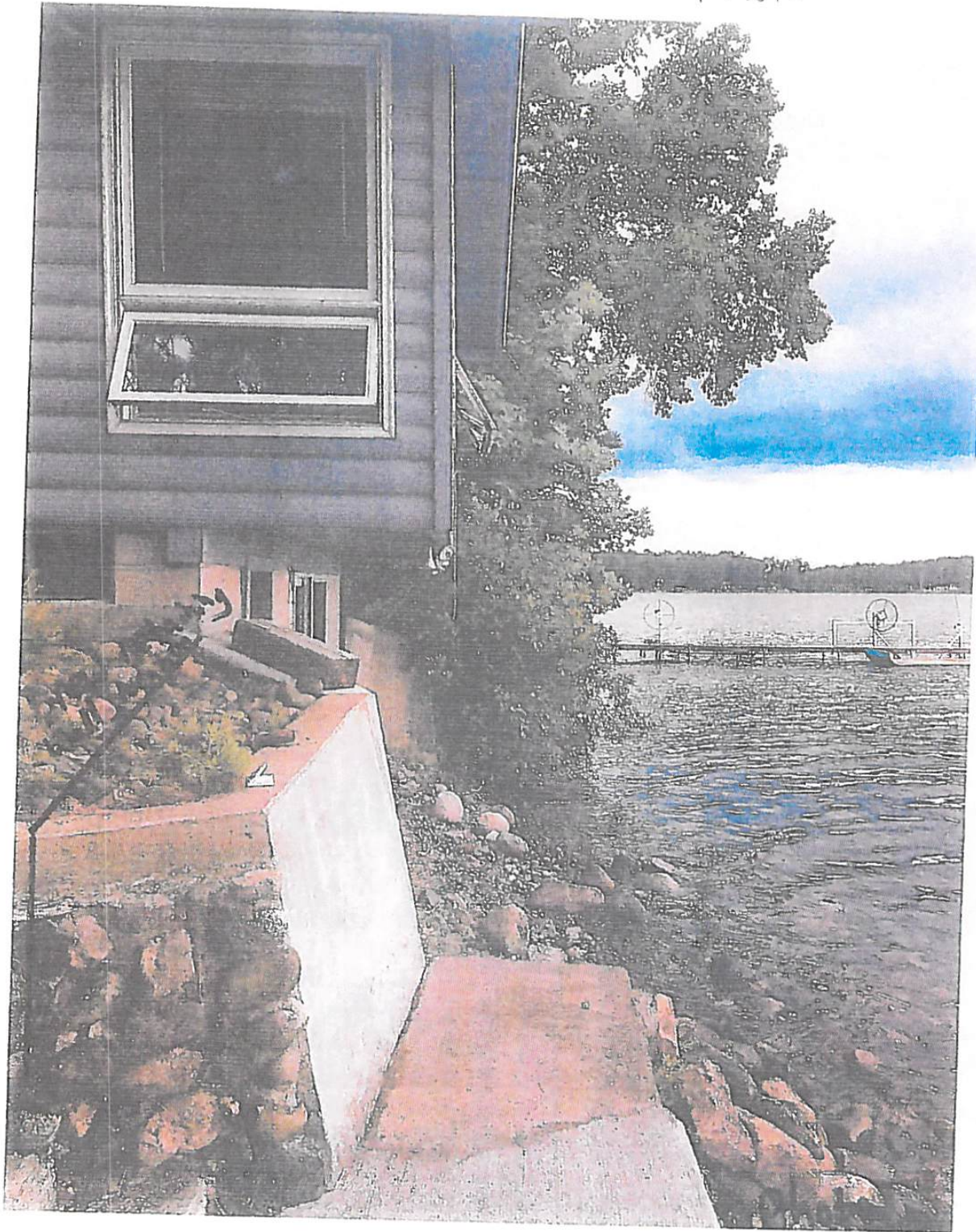




Photo #5



6/8/1996