



Sawyer County

Agenda

Zoning Board of Appeals Meeting
Tuesday, December 14, 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 November 12, 2021
[11-16-2021 BOA Minutes](#)

4 - 5

3. VARIANCE APPLICATIONS

- a. A Public Hearing in the Town of Sand Lake. VAR #21-009. Mela Investments LLC. Highland Park Sub., Part Lots 1-4, Lot 1 CSM #2377; S23, T39N, R09W; Parcel #026-126-00-0100; .470 total acres; Zoned Residential/Recreational One (RR-1); 15298W State Hwy 27/70. Application requested for: Reduction of an existing substandard size lake lot. The existing lake parcel does not meet the current zoning requirements for lake lot configuration. The applicant is now requesting to sell the adjacent parcel owner approximately 2,620 sq. ft. of land area including 52' of frontage. No additional lots are to be created but this resulting parcel would be considered "more non-conforming" than the previous configuration. This variance is to sell a small piece of land currently being used by the adjacent property owner - "*Beechmore Resort Condo*". Variance requested as: Sawyer County Zoning Shoreland-Wetland Protection Ordinance Sec 5.3(1) would require the prior granting of a variance for any lot less than 100' of width and 200' of depth in rectangular form. Furthermore, this lot would be proposed

6 - 21

for a reduction (more non-conforming lot) in an existing substandard lot.
Discussion/Action.

[VAR #21-009, Mela Investments LLC pkt.](#)

22 - 49

- b. A Public Hearing in the Town of Lenroot. VAR #21-010. James & Penny Dreher. Lakeside Condo, Unit 6 & 1/9 interest in common elements; S29, T42N, S09W; Parcel #014-246-00-0600; .510 total acres; Zoned Residential/Recreational Two (RR-2); 12796N County Hwy T. Application requested for: Replacing an existing 12'x52.5' mobile home with a 22'x31.5' (25'x35.5' with eaves) 2-story house. The existing mobile home is located 23' at the closest point of Nelson Lake. The new proposed house would be located 26' at the closest point to Nelson Lake within the existing footprint and expansion of the footprint would be located further from the water. With the landward expansion the proposed new house would also be 57' to the centerline of County Hwy T, a County Highway. This property would not be eligible for a 200 sq. ft. expansion and a variance would be needed for a reduced lake setback and a reduced road setback. The applicant's are also requesting a portion of this variance for an 8'x10' deck relocation that would not be within the same footprint but would be relocated further from the water. Variance requested as: Section 6.1 of The Sawyer County Zoning Shoreland-Wetland Protection Ordinance would require the prior granting of a variance for any new structures located closer than 75' to the OHWM. Section 4.21(2) of The Sawyer County Zoning Ordinance would require the prior granting of a variance for any new structure located closer than 75' to a County Highway.
Discussion/Action.

[VAR #21-010, James & Penny Dreher pkt.](#)

50 - 64

- c. A Public Hearing in the Town of Bass Lake. VAR #21-011. Jennifer Gryttr. Court Oreilles Park 1st Addn., Part Lot 5; S34, T40N, R09W; Parcel #002-130-00-0501; .220 total acres; Zoned Residential/Recreational One (RR-1); 15358W County Hwy KK. Application requested for construction of a single-story 28'x38' (32'x42') with eaves dwelling located 30' to the OHWM of Durphee Lake. A portion of this new dwelling is in the footprint of the existing dwelling. Additionally, a reduced side lot setback of 4.5' one side setback is being requested. With granting of a variance the existing 16'x38' with 4.5'x5.5' bump out located 19.5' would be removed. Variance requested as: Section 6.1, Sawyer County Zoning Shoreland Wetland Protection ordinance, Shoreland Setbacks would require the prior granting of a variance for any structure less than 75' to the OHWM. Section 18.4, Sawyer County Zoning Ordinance, Dimensional Requirements would require the prior granting of a variance for any structure less than 10' to a side lot line and a total of 40' in total. The proposed variance is requesting a 30' setback to OHWM and 4.5' on side lot line setback. Discussion/Action.

[VAR #21-011, Jennifer Gryttr pkt.](#)

65 - 85

- d. A Public Hearing in the Town of Bass Lake. VAR #21-012. John & Mary Bross. Abendpost Beach 1st Addn., Lots 25& 26, Block 12; S31,

T40N, R08W; Parcel #002-106-12-2500; .171 total acres; Zoned Residential/Recreational One (RR-1). Application requested for the construction of a 24'x32' (26'x34') with eaves accessory structure (1-story garage). The proposed structure would be located 22' at the closest point from the Right-of-way (ROW) line of both Fox Avenue and Court Oreilles Lake Drive, Town Road. Both of these Town Roads are granted reduced Town Road setbacks but would still require a 29.5' setback from ROW. Also, with this request the applicant will also need to be granted a Conditional Use Permit for an accessory structure on vacant land across from a Town Road from where the principal dwelling is located. Variance requested as: Section 4.21(3), Sawyer County zoning Ordinance would require the prior granting of a variance for any structure closer than 46' from the centerline of a Town Road in Northwoods Beach with a road width of 33' or 29.5' from the ROW, whichever is greater. The ROW setback distance is greater with the proposed request to be 22' from 2 separate ROW lines.
Discussion/Action.

[VAR #21-012, John & Mary Bross pkt.](#)

4. NEW BUSINESS

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

5. ADJOURNMENT

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEALS
November 16, 2021 at 6:00 PM**

Board of Appeals

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

Zoning Administration

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

PRELIMINARY MATTERS

a) 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. November 16, 2020 in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll Call finds present: Gerber, Rusk-virtual, Olson and Kelsey. Dobilas is absent. Zoning Administrator Kozlowski is virtual. Brown and Marks are present from the Zoning office.

b) Statement of Board and Hearing Procedures and 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.

c) Approval of October 19, 2021 minutes. Motion by Olson to approve the October 19, 2021 minutes, second by Kelsey. All in favor.

VARIANCE APPLICATIONS

a) A Public Hearing in the Town of Radisson. VAR #21-008. Owner: David & Susan Schreiner Trust. Part of Government Lot 4, Lot A CSM 2/24 #233; S09, T39N, R07W; Parcel #022-739-09-5407; 1.07 total acres; Zoned Residential/Recreational One (RR-1). Application requested: Construction of a two story 33'x5' (35'x7') with eaves, dwelling addition which is located 52' to the OHWM of Blueberry Lake. Only 23'x5' of this would only be considered for this variance as the remaining 10' is beyond the required setback. All other setbacks would be met for this project. Variance requested as: section 6.1, Sawyer County Zoning Shoreland Wetland Protection Ordinance, Shoreland Setbacks would require the prior granting of a variance for any structure less than 75' to the OHWM. The proposed variance is requesting a 52' setback to the OHWM. This structure would not be eligible for the 200' square foot lateral expansion. Brown

reads the application, staff report, Town opinion and Neighbor opinions. Davis Schreiner, owner speaks in favor of the application. Discussion with Committee held. No other audience comments. Discussion by Board held with Kozlowski, Brown and Schreiner. Motion to deny the application by Gerber, second by Kelsey. Discussion held by Committee. All in favor. Findings of Fact: 1) There are compliant options that can be done without a Variance. 2) This Variance cannot pass the 3-step test as needed.

NEW BUSINESS

a) November 15, 2022 meeting date conflict. Marks explains that the County Board meets that night also and the Courtroom will be unavailable. Decision is made that the Board will keep the December 15, 2022 date and meet in the assembly room.

b) Proposes Legal Counsel Requirements & Associated Fees. . Discussion is held with Board and Kozlowski. Decision is made that it is unnecessary to have legal counsel at every meeting and that legal counsel will be used on as needed basis. Kozlowski will notify the Administrator, Tom Hoff of the decision and bring it back to the Board next month regarding fees.

c) Any other business that may come before the Board for discussion. None.

ADJOURNMENT

Motion made by Olson, second by Rusk to adjourn. 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:

Mela Investments LLC

Property Location:

Highland Park Subd, PRT Lots 1-4, Lot 1 CSM 11/147, Sec 23, T39N, R09W, Parcel # 026-126-00-0100, Site Address #15298W State Hwy 27/70. 0.47 Acres. Zoned RR-1

Summary of Request:

The applicants are requesting a variance for a reduction of an existing substandard size lake lot. The existing lake parcel does not meet the current zoning requirements for lake lot configuration. The applicant is now requesting to sell the adjacent parcel owner approximately 2,620 sq. ft. of land area including 52' of frontage. No additional lots are to be created but this resulting parcel would be considered "more non-conforming" than the previous configuration. This variance is to sell a small piece of land currently being used by the adjacent property owner - "*Beechmore Resort Condo*". Per The Sawyer County Zoning Shoreland-Wetland Protection Ordinance Sec 5.3(1) would require the prior granting of a variance for any lot less than 100' of width and 200' of depth in rectangular form. Furthermore, this lot would be proposed for a reduction (more non-conforming lot) in an existing substandard lot.

Project History/On-site Notes/Comments:

See attached drawing with packet.

In conversations with the Mela's the Beechmore Condo Association had approached them to potential purchase this small amount of land that is directly in front of them as part of the condo. Over the year the Mela's had allowed the Condo to use that land but are now wanting to solidify this with the actual purchase. With the Mela's existing parcel already not meeting the current lot configuration it received the designation as an existing non-conforming lot. They are now wanting to reduce an existing non-conforming lot which requires the granting of a variance. No additional lots are to be created with this transfer of land and additional certified survey maps will be recorded with any potential approval of said variance.

Hardship/Justification:

Variances seek a relaxation of a standard in the code. The decision to grant a variance must be supported by practical justification, which includes 1.) That the code is unnecessarily burdensome and the landowner is not able to enact a permitted use without a relaxation of the standard; 2.) There are unique limitations on the property that prevent the landowner from meeting the required dimensional standard; and 3.) if the

variance is granted, no harm will be done to the public interest or the zoning code. It is the applicants' responsibility to present the case and provide the "burden of proof" as to why the variance should be granted. The personal situation of the applicant, financial hardship, convenience, a growing family, or nearby violations cannot be considered as valid reasons to grant a variance.

Board Decision Checklist:

(Approval Reasons): An unnecessary **hardship is present** and the current code requirements would be **unnecessarily burdensome** and **prevent** the applicant from using the property for a permitted use because:

(Board of Appeals to choose specific conditions unique to property. May add or delete to this list):

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

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

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

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

1. Visibility is good at the driveway location.
2. Traffic is light.
3. The septic will be upgraded.
4. Traffic is slowed here.
5. A turnaround is proposed.
6. This would make a bad situation better.
7. Good vegetation exists or is proposed.
8. The proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed.
9. A literal enforcement of the zoning code would be unnecessarily burdensome.
10. The testimony in opposition has been considered but no valid reasons could be found to deny.

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

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

(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: Mela Investments LLC

Address: 15294W State Hwy 27/70 Stone Lake, WI Phone: 715-558-1918 Email: andymela1@gmail.com

Property Description: Highland Park Subd PRT lots 1-4, LOT 1 CSM #2377 Sec23 T39N R09W, Parcel # 026-126-00-0100
#15298W State Hwy 27/70

Acreage: 0.47 Zoned: Residential/Recreational One (RR-1)

Application requested for:

Reduction of an existing substandard size lake lot. The existing lake parcel does not meet the current zoning requirements for lake lot configuration. The applicant is now requesting to sell the adjacent parcel owner approximately 2,620 sq ft of land area including 52' of frontage. No additional lots are to be created but this resulting parcel would be considered "more non-conforming" than the previous configuration. This variance is to sell a small piece of land currently being used by the adjacent property owner - "Beechmore Resort Condo".

Variance requested as:

Sawyer County Zoning Shoreland-Wetland Protection Ordinance Sec 5.3(1) would require the prior granting of a variance for any lot less than 100' of width and 200' of depth in rectangular form. Furthermore, this lot would be proposed for a reduction (more non-conforming lot) in an existing substandard lot.

Property Owner(s) Signature Andrew Mela AM Mela
Print & Sign Print & Sign

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

Date of Meeting Dec. 14, 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 Andrew - Mela
(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."). Lake Frontage w/dock

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

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.").

My neighbors use this property for access to Whitefish Lake

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.

No Construction

- 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."). *no construction*

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. *None*
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.

- 3) Unnecessary Hardship. *None*
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.

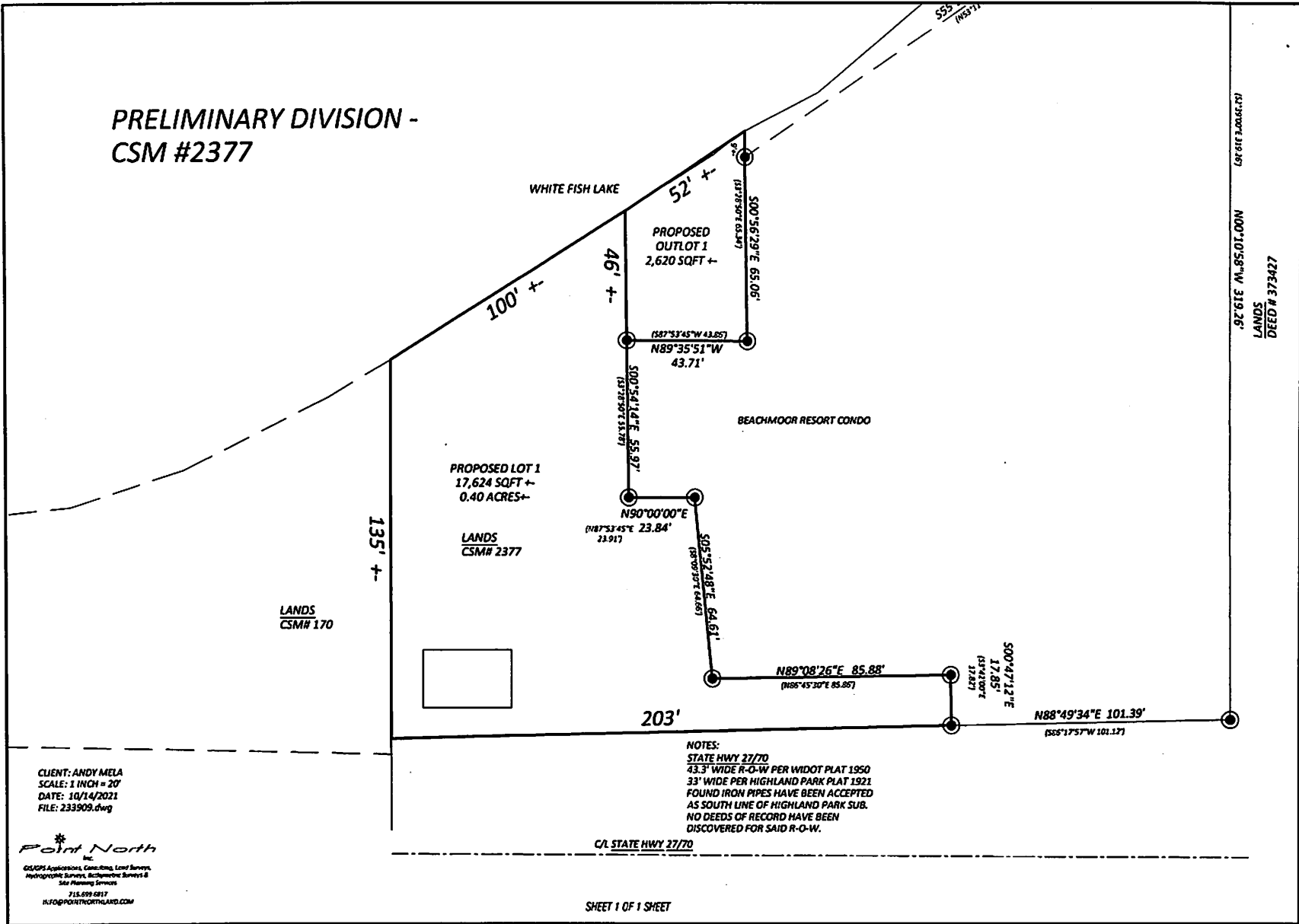
You are applying for an "area variance." An area variance relaxes a dimensional standard such as a setback, frontage, lot area, or height. For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render 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? *No*

☐ Yes. Describe.

☐ No. A variance cannot be granted.

PRELIMINARY DIVISION - CSM #2377



**PRELIMINARY DIVISION -
CSM #2377**

WHITE FISH LAKE

100' +

52' +

PROPOSED OUTLOT 1
2,620 SQFT +

46' +

158°33'43"W 43.86'
N89°35'51"W 43.71'

500°56'29"E 63.06'

157°32'47"E 13.97'

500°54'47"E 55.97'

157°38'33"W 19.7'

150°00'00"E
DISTANCE 23.84'
13.55'

50°52'45"E 64.61'

150°00'00"E 13.55'

158°43'30"E 85.88'

158°43'30"E 85.88'

500°47'12"E
17.65'

157°32'47"E 13.97'

158°49'34"E 101.39'

158°49'34"E 101.39'

203'

135' +

LANDS
CSM# 170

LANDS
CSM# 2377

BEACHMOOR RESORT CONDO

NOTES:
STATE HWY 217/D
41.3' WIDE R-O-W PER WIDOT PLAT 1250
33' WIDE PER HIGHLAND PARK PLAT 1921
FOUND GROUND PINS HAVE BEEN ACCEPTED
AS SOUTH LINE OF HIGHLAND PARK PLS.
NO DEEDS OF RECORD HAVE BEEN
DISCOVERED FOR SAID R-O-W.

CLIENT: ANDY MELLA
SCALE: 1 INCH = 20'
DATE: 10/14/2021
FILE: 231909.dwg

Point North

GA STATE HWY 217/D

SHEET 1 OF 1 SHEET

Real Estate Sawyer County Property Listing

Today's Date: 10/28/2021

Property Status: Current

Created On: 2/6/2007 7:55:45 AM

 Description

Updated: 1/19/2021

Tax ID:	26787
PIN:	57-026-2-39-09-23-5 15-126-000100
Legacy PIN:	026126000100
Map ID:	-6.1.1
Municipality:	(026) TOWN OF SAND LAKE
STR:	S23 T39N R09W
Description:	HIGHLAND PARK SUBD PRT LOTS 1-4 LOT 1 CSM 11/147 #2377
Recorded Acres:	0.470
Calculated Acres:	0.472
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Whitefish Lake
Zoning:	(RR1) Residential/Recreational One
ESN:	423

 Tax Districts

Updated: 2/6/2007

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

 Recorded Documents

Updated: 6/29/2021

 QUIT CLAIM DEED	
Date Recorded: 6/28/2021	<u>432931</u>
 WARRANTY DEED	
Date Recorded: 3/4/1999	<u>274873</u>
 CERTIFIED SURVEY MAP	
Date Recorded: 12/19/1985	<u>198379</u>
 NOTE	
Date Recorded:	

 Ownership

Updated: 6/29/2021

MELA INVESTMENTS LLC STONE LAKE WI**Billing Address:**

MELA INVESTMENTS LLC
15294W STATE HWY 27/70
STONE LAKE WI 54876

Mailing Address:

MELA INVESTMENTS LLC
15294W STATE HWY 27/70
STONE LAKE WI 54876

 Site Address * indicates Private Road

15298W STATE HWY 27/70 STONE LAKE 54876

 Property Assessment

Updated: 9/28/2017

2021 Assessment Detail

Code	Acres	Land	Imp.
G2-COMMERCIAL	0.470	213,000	82,800

2-Year Comparison

	2020	2021	Change
Land:	213,000	213,000	0.0%
Improved:	82,800	82,800	0.0%
Total:	295,800	295,800	0.0%

 Property History

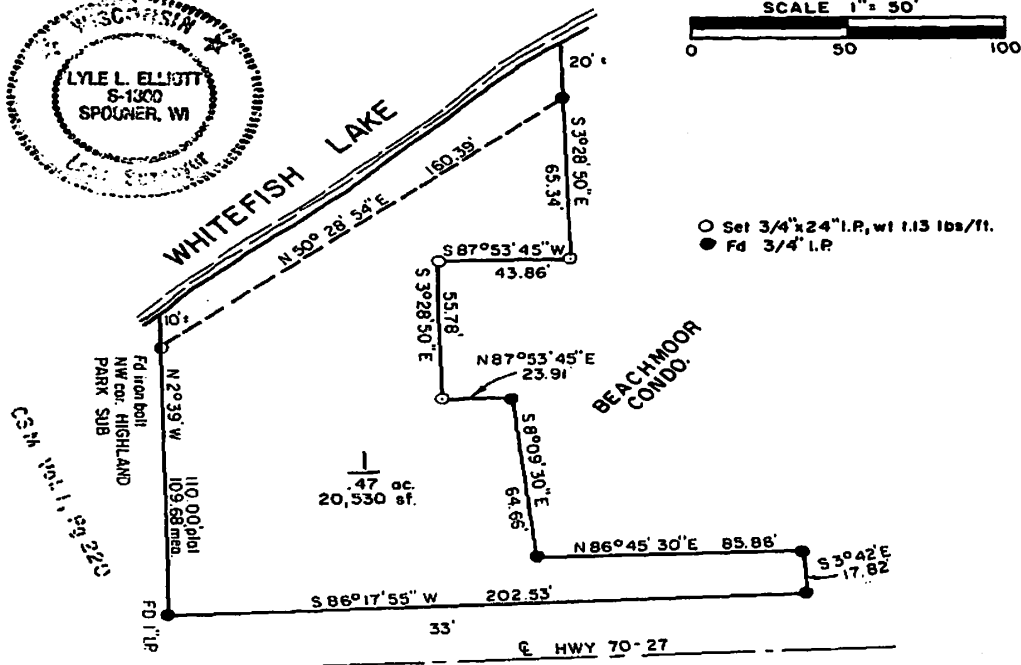
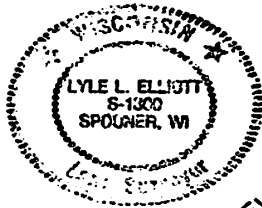
N/A

198379

Register's Office
Sawyer County

Received for record the 19 day of
December A D 1985 at 9 o'clock
P. M. and recorded in vol. 11
of Best Survey on page 147
E. Lyle Elliott
Register

SAWYER COUNTY CERTIFIED SURVEY MAP



SURVEYOR'S CERTIFICATE

I, LYLE L. ELLIOTT, registered land surveyor hereby certify that by the direction of ROBERT DOSKOCIL, I have surveyed and mapped the land parcel which is represented by this Certified Survey Map:

That the exterior boundaries of the land parcel surveyed and mapped is described as follows:

A part of Lots 1 thru 4 and the West 33 feet of Highland Park Subdivision, in Government Lot 3, Section 23, Township 39 North, Range 9 West, Town of Sand Lake, County of Sawyer, State of Wisconsin, and more particularly described as follows:

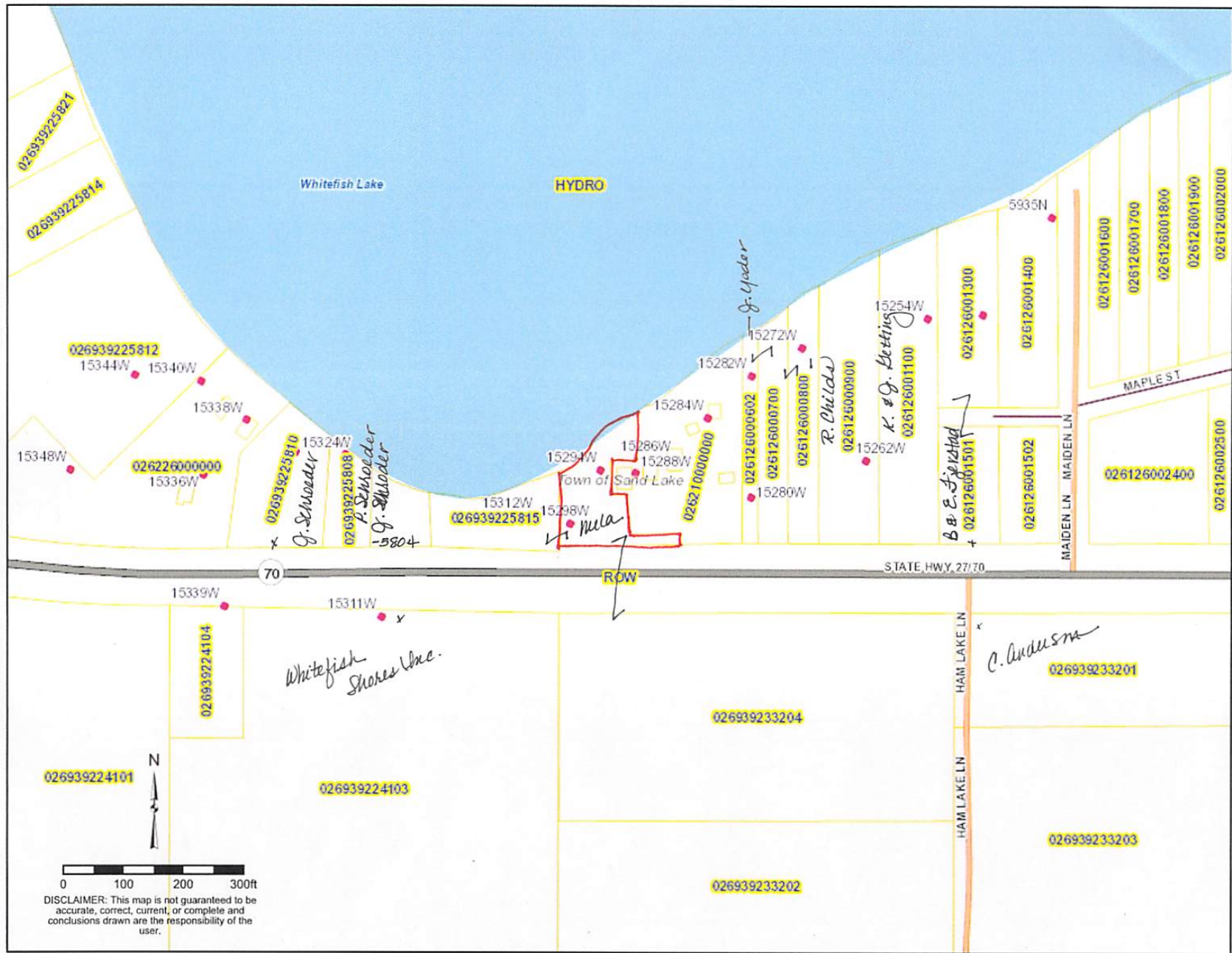
Beginning at the Northwest corner of Highland Park Subdivision, thence N 50° 28' 54" E 160.39 feet on a meander line to an iron pipe; thence S 3° 28' 50" E 65.34 feet to an iron pipe; thence S 87° 53' 45" W 43.86 feet to an iron pipe; thence S 3° 28' 50" E 55.78 feet to an iron pipe; thence N 87° 53' 45" E 23.91 feet to an iron pipe; thence S 8° 09' 30" E 64.66 feet to an iron pipe; thence N 86° 45' 30" E 85.86 feet to an iron pipe; thence S 3° 42' E 17.82 feet to an iron pipe; thence S 86° 17' 55" W 202.53 feet to an iron pipe; thence N 2° 39' W 109.68 feet to an iron bolt being the point of Beginning, said parcel contains (20,530 sq. ft.) or .47 acres more or less, including all land from said meander line to the waters edge, and subject to any easements and restrictions of record. I have fully complied with the provisions of Chapter 236.34 of the Wisconsin revised Statutes and the subdivision ordinance of Sawyer County in surveying and mapping same. I hereby certify that this survey is correct to the best of my knowledge and belief.

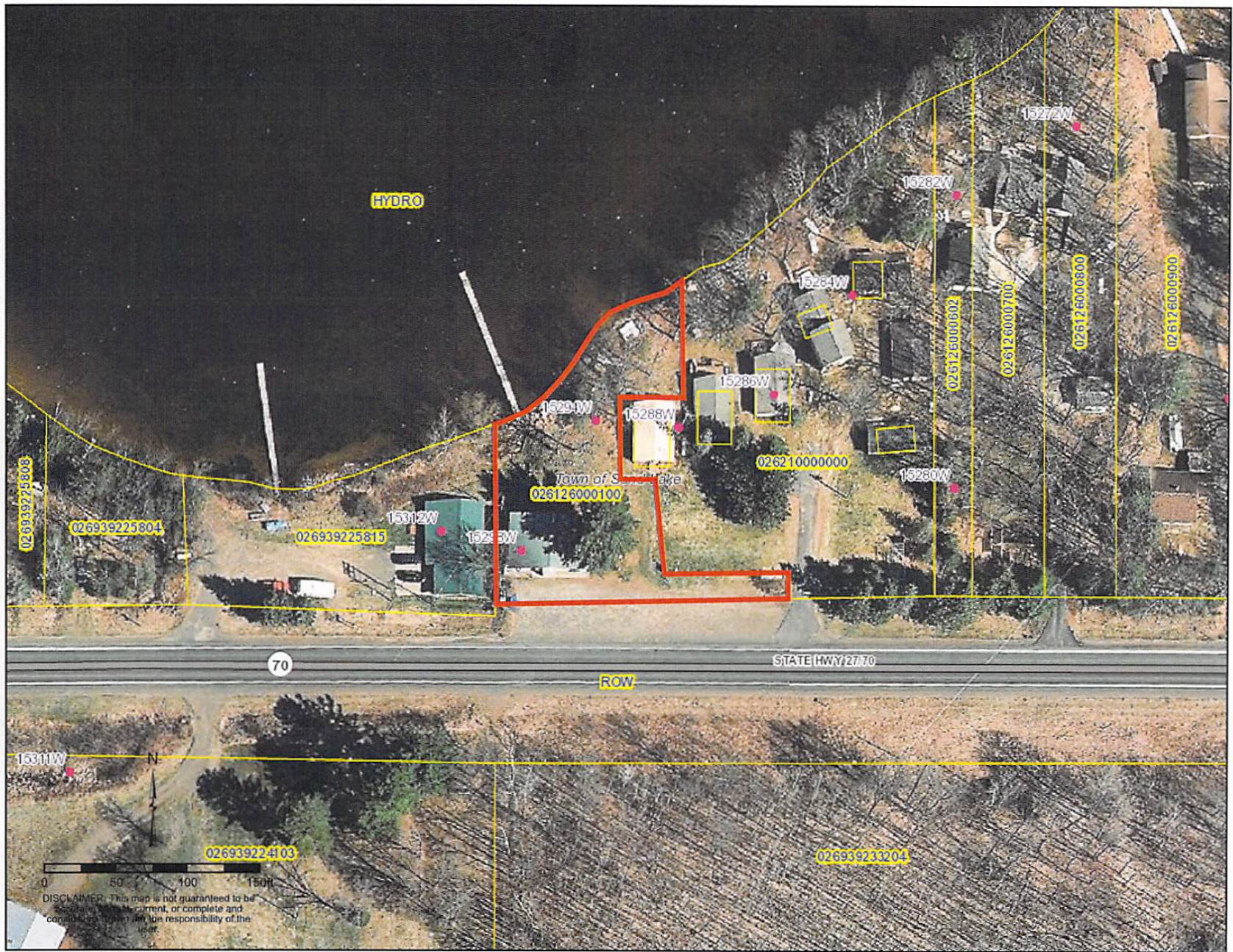
This cancels and supercedes Certified Survey Map No. 1903.

Lyle Elliott
Lyle L. ELLIOTT, land surveyor
Wisconsin Registration S-1300
Date: December 9, 1985

12-19-85
Daniel Neath, Sawyer Co. County Clerk

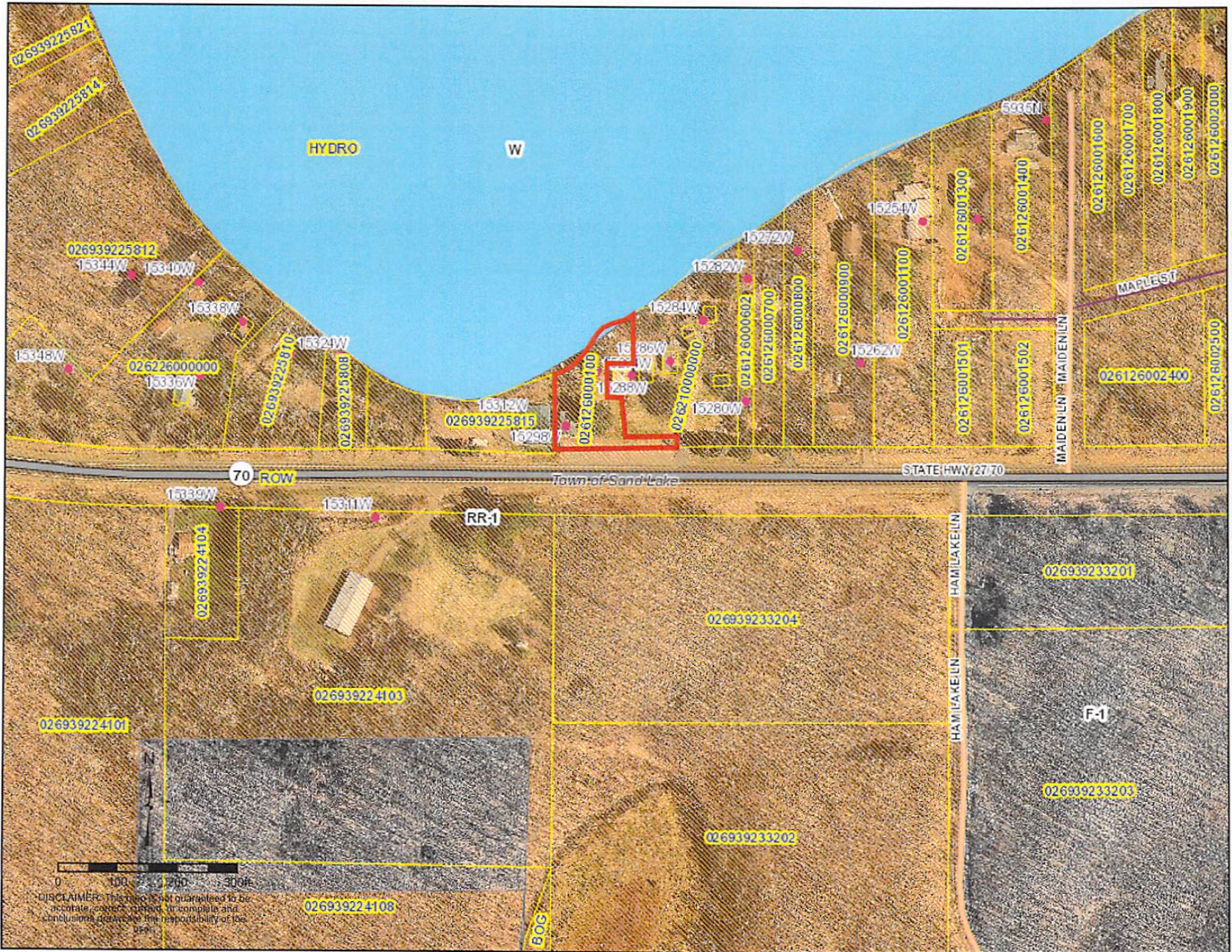
2377
Official Survey No. 2377







DISCLAIMER: This map is not intended to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.





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:

James & Penny Dreher

Property Location:

Lakeside Condo, Unit 6 & 1/9 interest in common elements; S29, T42N, S09W; Parcel #014-246-00-0600; .510 total acres; Zoned Residential/Recreational Two (RR-2); 12796N County Hwy T.

Summary of Request:

The applicants are requesting to replace an existing 12'x52.5' mobile home with a 22'x31.5' (25'x35.5' with eaves) 2-story house. The existing mobile home is located 23' at the closest point of Nelson Lake. The new proposed house would be located 26' at the closest point to Nelson Lake within the existing footprint and expansion of the footprint would be located further from the water. With the landward expansion the proposed new house would also be 57' to the centerline of County Hwy T, a County Highway. This property would not be eligible for a 200 sq. ft. expansion and a variance would be needed for a reduced lake setback and a reduced road setback. The applicants are also requesting a portion of this variance for an 8'x10' deck relocation that would not be within the same footprint but would be relocated further from the water. Variance requested as: Section 6.1 of The Sawyer County Zoning Shoreland-Wetland Protection Ordinance would require the prior granting of a variance for any new structures located closer than 75' to the OHWM. Section 4.21(2) of The Sawyer County Zoning Ordinance would require the prior granting of a variance for any new structure located closer than 75' to a County Highway.

Project History/On-site Notes/Comments:

See attached drawings with packet.

In conversations with the applicant they have looked at multiple plans and ultimately a long-term home as part of this condo unit. The existing "mobile home" was placed on the location well before zoning ordinance were enacted. They are now struggling with how to replacing this existing mobile home with a year-round dwelling. The attached inspection report shows the existing mobile home footprint and the proposed new 2-story house. The proposed house could be relocated a little bit further back from the water and closer to the road. However, in taking setbacks of other houses along this stretch of County Hwy T the closest existing house was at 57' to the centerline of the road. That is why this distance was kept at the 57' to the centerline of County Hwy T.

Part of this request is also to add an 8'x10' back into the structure at a further setback distance. There is an existing 8'x10' lake side deck and that would be relocated to the side entrance but would still require approval of a variance.

Hardship/Justification:

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

Board Decision Checklist:

(Approval Reasons): An unnecessary hardship is present and the current code requirements would be unnecessarily burdensome and prevent the applicant from using the property for a permitted use because:

(Board of Appeals to choose specific conditions unique to property. May add or delete to this list):

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

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

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

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

1. Visibility is good at the driveway location.
2. Traffic is light.
3. The septic will be upgraded.
4. Traffic is slowed here.
5. A turnaround is proposed.
6. This would make a bad situation better.

7. Good vegetation exists or is proposed.
 8. The proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed.
 9. A literal enforcement of the zoning code would be unnecessarily burdensome.
 10. The testimony in opposition has been considered but no valid reasons could be found to deny.
- (Approval Conditions):** Therefore, the requested variance is hereby **approved** with the following conditions: **(add or delete as needed)**:

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

(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):

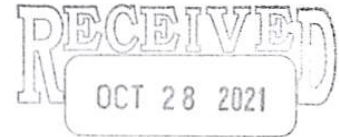
1. An approval would set a precedent.
2. Public safety could be compromised.
3. This would make a bad situation worse.
4. An increase in water runoff and erosion is anticipated.
5. Harm to water quality is anticipated.
6. The proposal appears to be for convenience to the landowner only.
7. An approval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



SAWYER COUNTY
ZONING ADMINISTRATION

Variance Application Request

Property Owner: James & Penny Dreher

Address: 670 Edie Lane Hudson, WI 54016 **Phone:** 612-751-3032 **Email:** jd@jimdreher.com

Property Description: Lakeside Condo Unit #6 Sec29 T21N R09W, Parcel # 014-246-00-0600 #12796N County Hwy T

Acreage: 0.51 acres

Zoned: Residential/Recreational Two (RR-2)

Application requested for:

Replacing an existing 12'x52.5' mobile home with a 22'x31.5' (25'x34.5' with eaves) 2 story house. The existing mobile home is located 23' at the closest point of Nelson Lake. The new proposed house would be located 26' at the closest point to Nelson Lake within the existing footprint and expansion of the footprint would be located further from the water. With the landward expansion the proposed new house would also be 57' to the centerline of County Hwy T, a County Highway. This property would not be eligible for a 200sq ft expansion and a variance would be needed for a reduced lake setback and a reduced road setback. The applicants are also requesting a portion of this variance for an 8'x10' deck relocation that would not be within the same footprint but would be relocated further from the water.

Variance requested as:

Section 6.1 of The Sawyer County Zoning Shoreland-Wetland Protection Ordinance would require the prior granting of a variance for any new structures located closer than 75' to the OHWM. Section 4.21(2) of The Sawyer County Zoning Ordinance would require the prior granting of a variance for any structure located closer than 75' to a County Hwy.

Property Owner(s) Signature _____

Print & Sign

JAMES E. DREHER _____

Print & Sign

Agent Signature(s), address, phone &

Email: _____

Date of Meeting _____

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 _____

James E Dreher

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 –

Property contains 70's residential mobile home, a boat house and a pump house.

Describe the variance requested –

We would like to remove existing mobile home (12'x52') and replace with a new energy efficient 22' X 32' home.

Describe the effects on the property if the variance is not granted –

The variance is required to allow full time living with an energy efficient and aesthetically pleasing home and protect/improve property values for the owners and neighbors. We are afraid our existing structure brings down property value.

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

*We are unable to find a replacement mobile home that is the same size.
No Longer available.*

All mobile homes we could find for replacement are larger.

We believe we could build a structure on the same footprint and add a story but feel this approach would not be an attractive option and would not compliment the neighborhood and adversely affect property values.

We have considered many options and found by changing the shape to a more traditional home plan the proposed will be closest to the square footage allowed if we were to build a 12' x 52' two story option available without variance.

We live here year-round. Last winter our energy bills were exceptionally high due to the inefficiency of the current mobile home.

We have not been able to find anything smaller that is not a "Tiny Home"

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

We will be using all erosion control methods necessary during construction. Water from impervious surfaces will be diverted away from the lake and other properties. Shoreline buffer will be minimally affected.

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.

We are located between County Road T and Nelson Lake.

☐ No. A variance cannot be granted.

2) No Harm to Public Interests.

3)

Our association is in favor of the reconstruction of our home and we all feel it will enhance the area and improve property values.

There will be no harm to public interest.

4) 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.

Current structure no longer available. Unreplaceable.

Energy inefficient. Heat or Cool.

Doorways and hallway not ADA compliant

Bathroom is not ADA compliant.

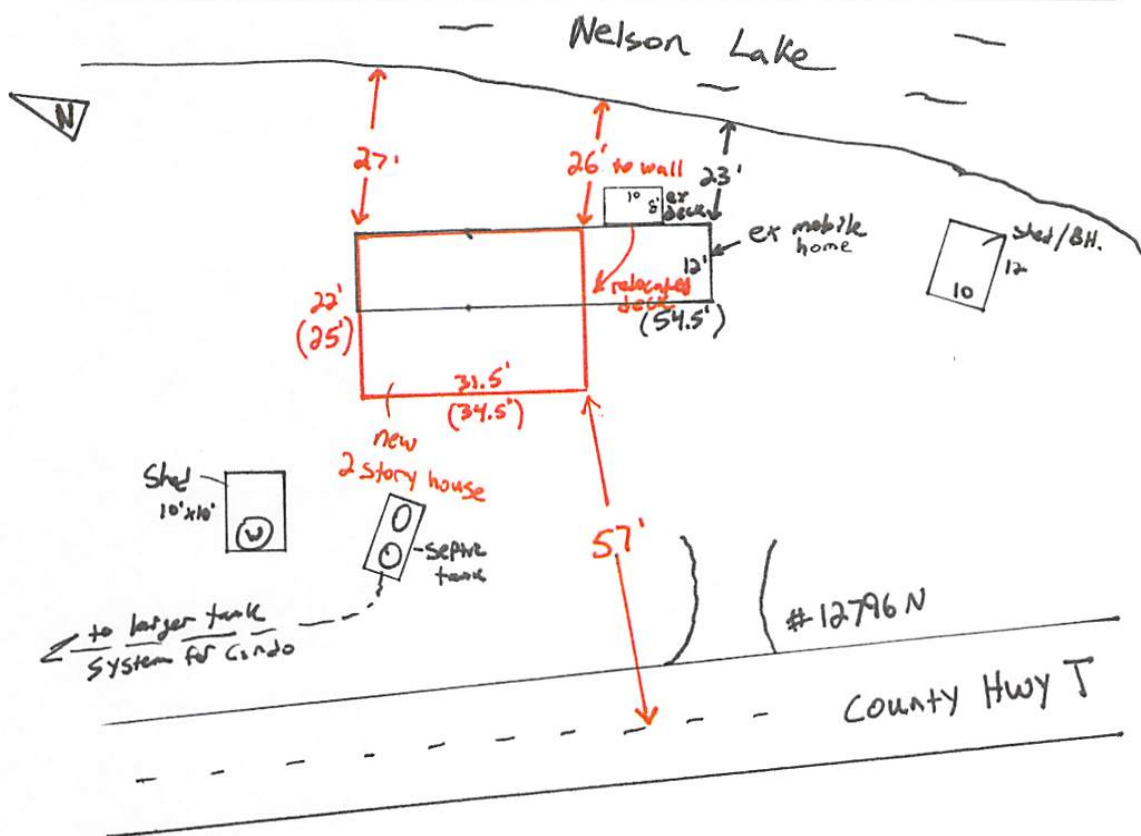
Current structure does not fit in with surroundings.

☐ No. A variance cannot be granted.

Owners(s) DREHER, JAMES & PENNY Town of LENROOT Govt Lot 1/4 1/4 S 29 T 42 N R 09
W

Lot(s) Unit #6 Blk(s) Subdivision LAKE SIDE CONDO Computer # 014-246-00-0600 Parcel(s) -13.6

Condo Deed#325830 0.51 Acres RR-2 12796N County Hwy T



proposed new 2 story structure $22' \times 31.5' = 693 \text{ sq ft}$
862.5 w/eaves

Signature of Inspector Greg Neri

total Condo impervious surfaces last calculated in 2014
accounted for 3.27% large amount of land area is owned by Condo

8/26/2021

Real Property Listing Page

Real Estate Sawyer County Property Listing

Today's Date: 8/26/2021

Property Status: Current

Created On: 2/6/2007 7:55:27 AM

Description	Updated: 1/24/2013
Tax ID:	16048
PIN:	57-014-2-42-09-29-5 16-654-000600
Legacy PIN:	014246000600
Map ID:	-13.6
Municipality:	(014) TOWN OF LENROOT
STR:	S29 T42N R09W
Description:	LAKE SIDE CONDO UNIT 6 & 1/19 INT IN COMMON ELEMENTS
Recorded Acres:	0.510
Calculated Acres:	0.014
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Nelson Lake
Zoning:	(RR2) Residential/Recreational Two
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: 6/20/2018
CONDOMINIUM DEED	
Date Recorded: 10/14/2004	<u>325830</u>
AMENDMENT OF DECLARATION OF CONDOMINIUM	
Date Recorded: 6/18/2018	<u>412863</u>
CONDO DECLARATION AMENDED	
Date Recorded: 5/24/2012	<u>378870</u>
CONDO DECLARATION AMENDED	
Date Recorded: 4/23/2009	<u>359811</u>
CONDO PLAT ADDENDUM	
Date Recorded: 6/28/2005	<u>331479 CONDO PLAT 3/125</u>
CONDO DECLARATION AMENDED	
Date Recorded: 6/28/2005	<u>331478</u>
CONDOMINIUM DECLARATION	
Date Recorded: 6/27/2001	<u>291994 750/376</u>
HIGHWAY ORDER	
Date Recorded:	<u>377641</u>

Ownership	Updated: 2/6/2007
JAMES E & PENNY M DREHER	HUDSON WI

Billing Address:	Mailing Address:
JAMES E & PENNY M DREHER	JAMES E & PENNY M DREHER
670 EDIE LN	670 EDIE LN
HUDSON WI 54016	HUDSON WI 54016

Site Address	* Indicates Private Road
12796N COUNTY HWY T	HAYWARD 54843



Property Assessment

Updated: 5/26/2015

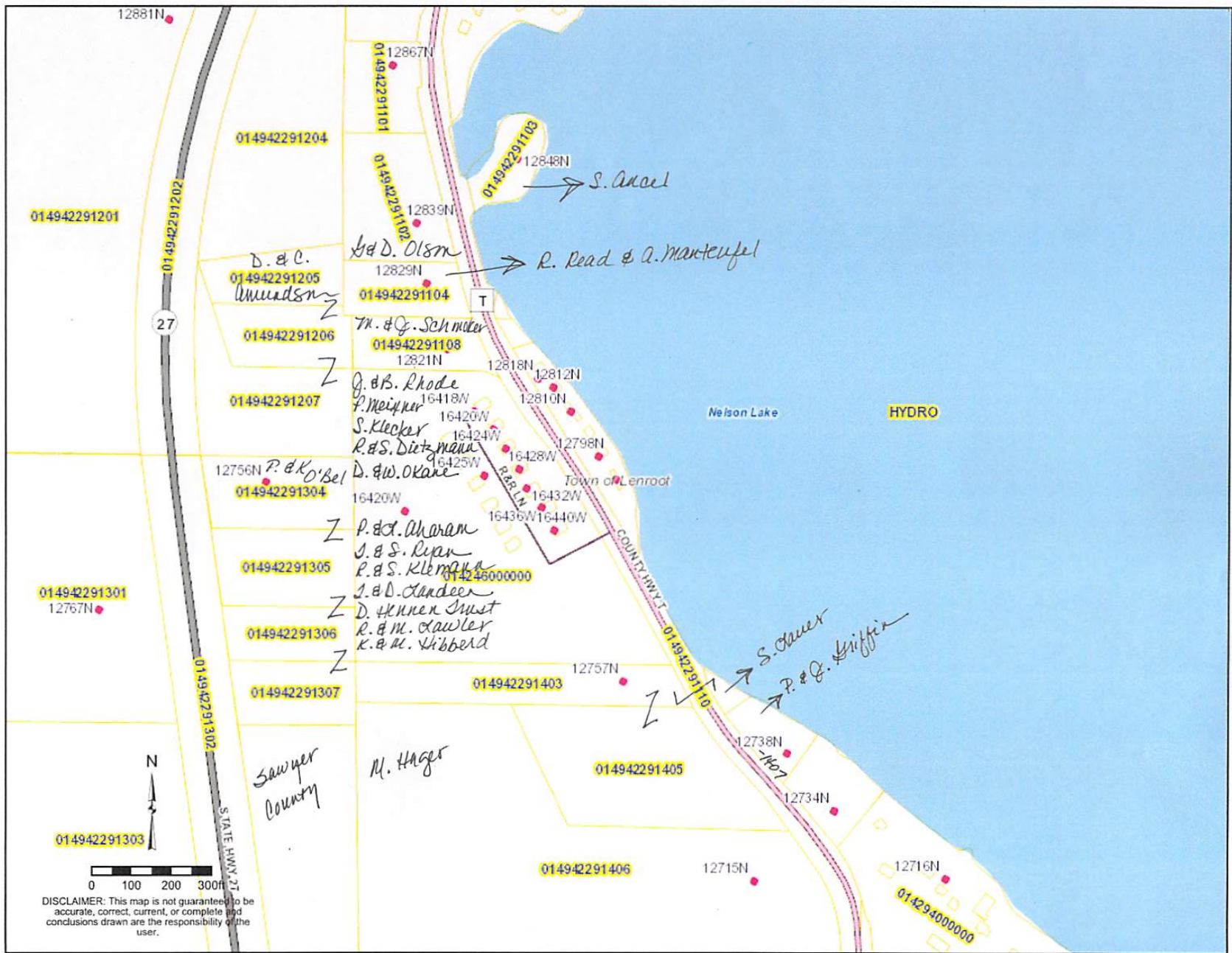
2021 Assessment Detail

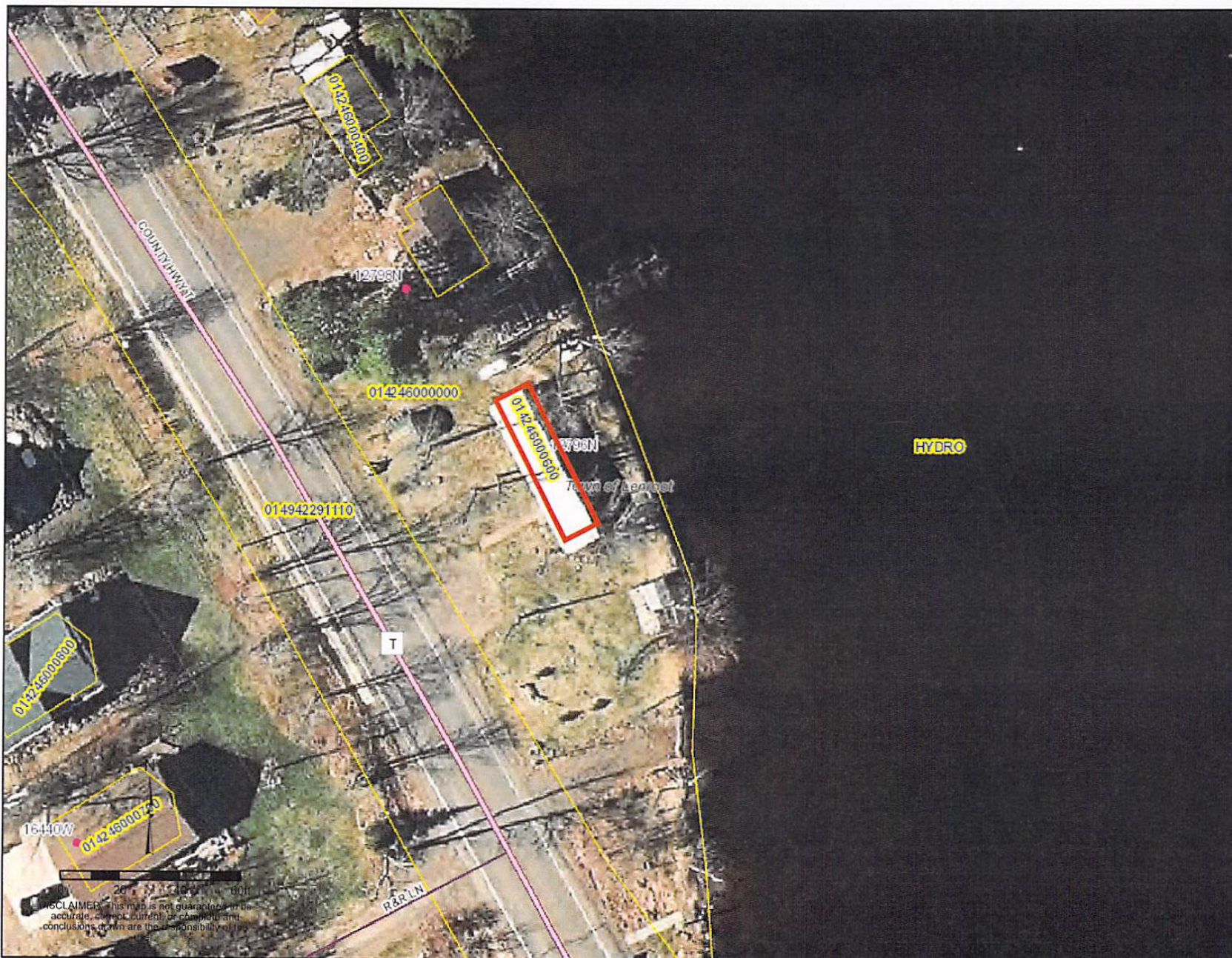
Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.510	62,400	17,800

2-Year Comparison	2020	2021	Change
Land:	62,400	62,400	0.0%
Improved:	17,800	17,800	0.0%
Total:	80,200	80,200	0.0%

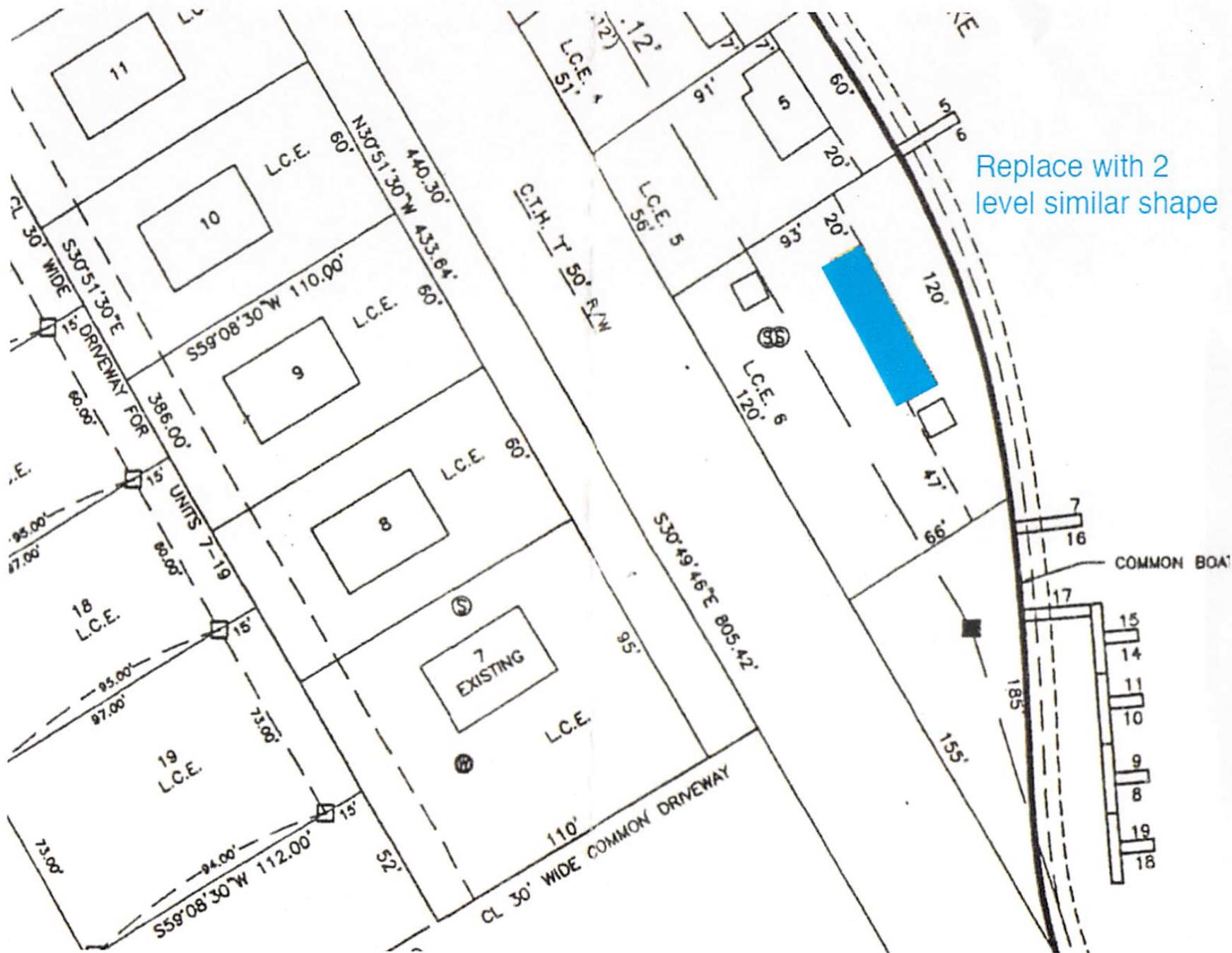
Property History
N/A

54K
9/7/21
11:00 AM



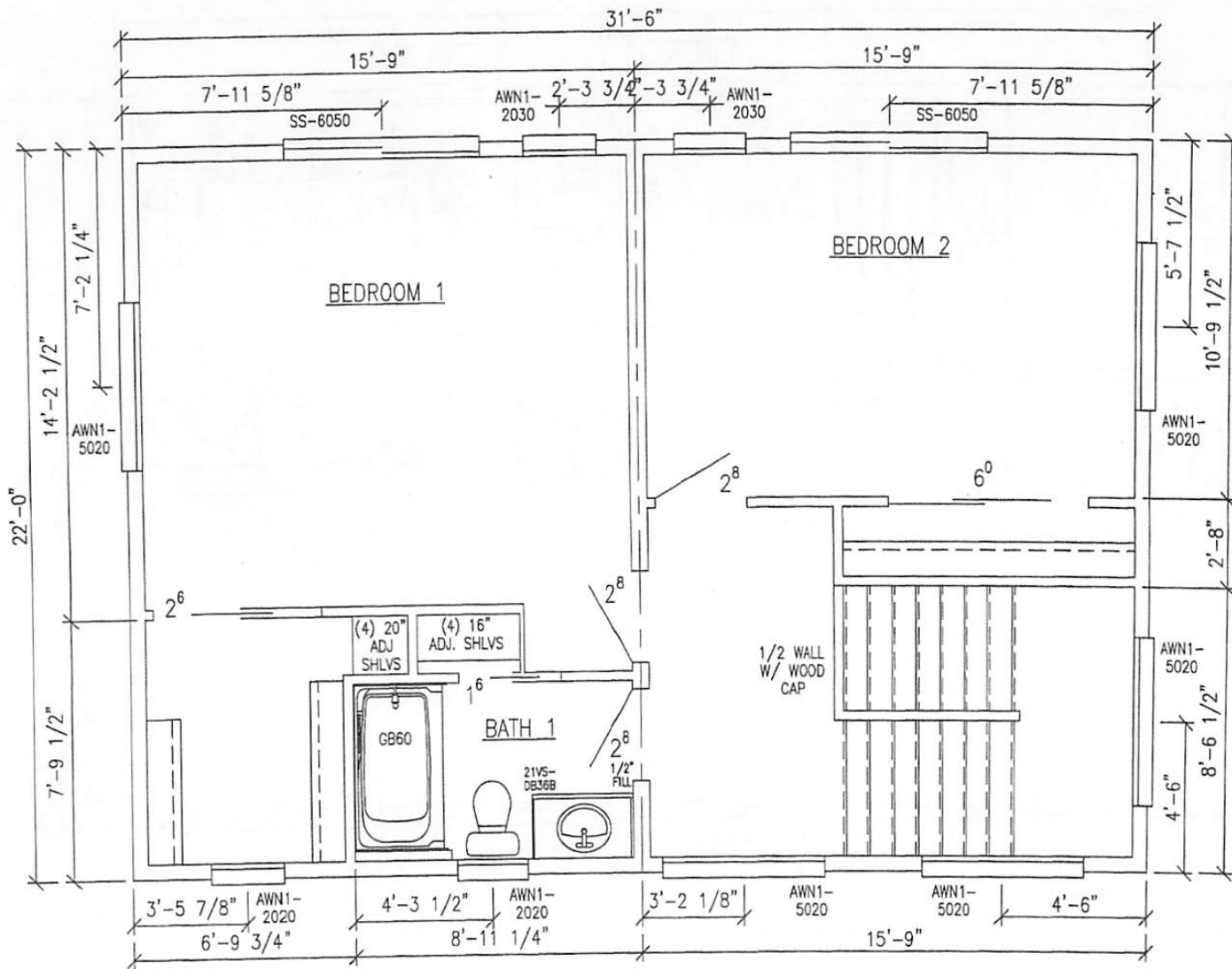


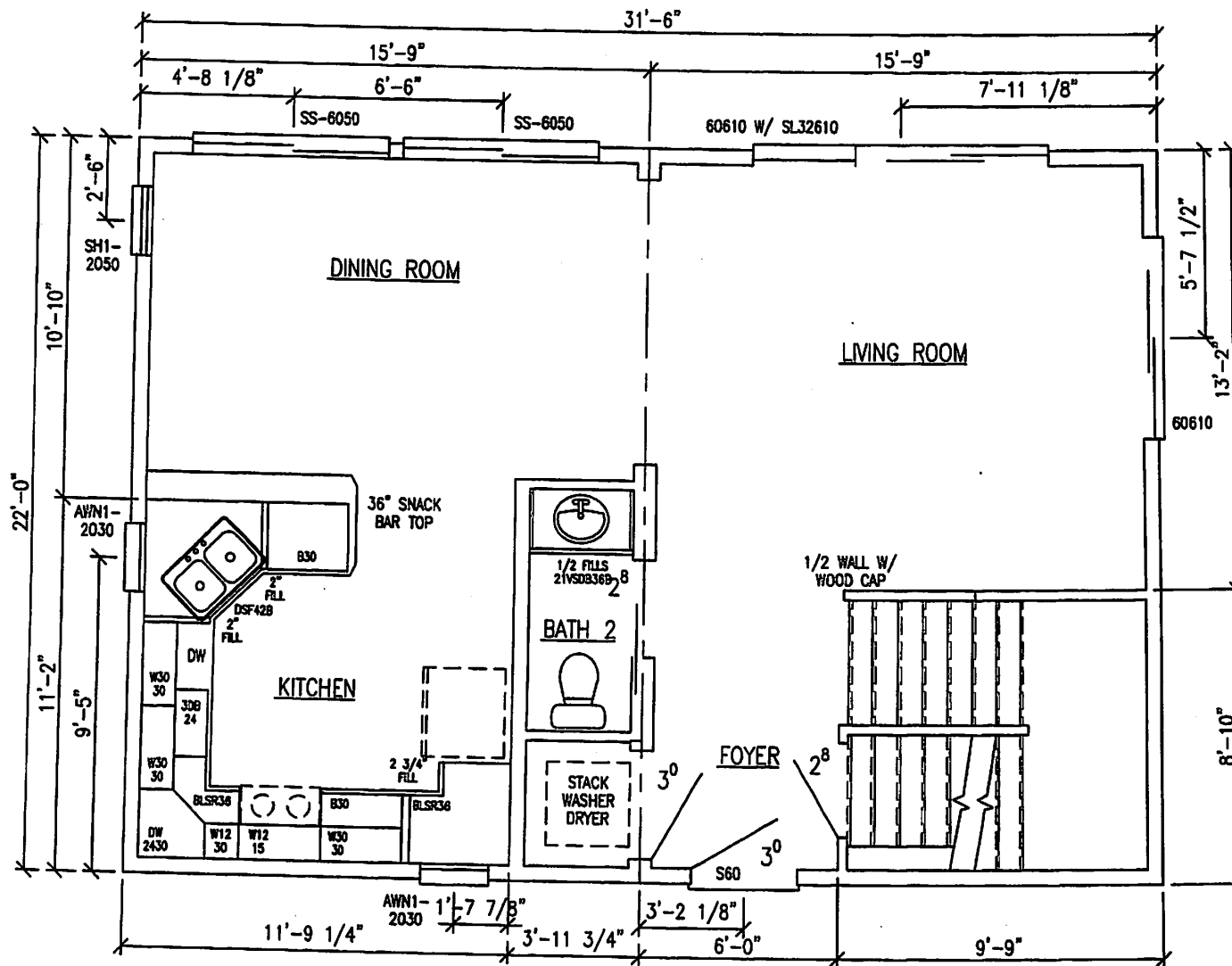


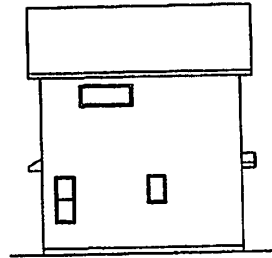


Proposed

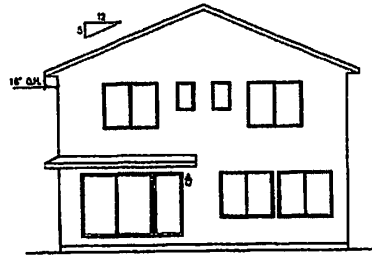




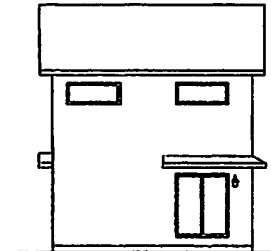




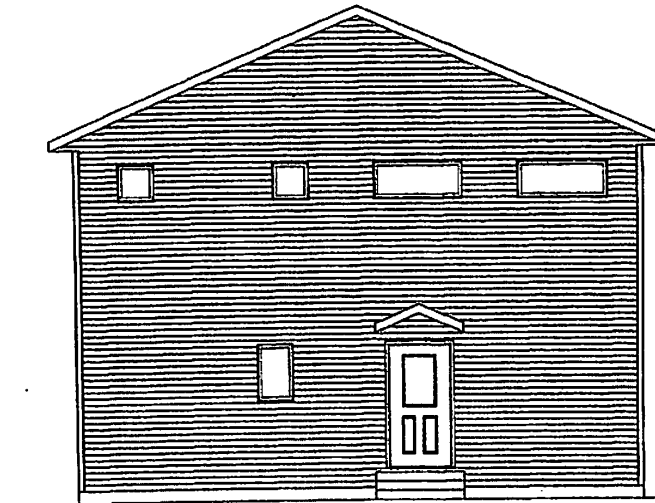
LEFT ELEVATION
SCALE — 1/8" = 1'-0"



REAR ELEVATION
SCALE — 1/8" = 1'-0"



RIGHT ELEVATION
SCALE — 1/8" = 1'-0"



DOUBLE 6" VINYL
UP SIDING (11-1/2")
W/ 6-1/2" 12-1/2" SIDING

FRONT ELEVATION
SCALE — 1/8" = 1'-0"

QUOTED: —
CUST.: —
BUILDER: —
PHONE # —
CONTACT: —

ELEVATION INFO
ELEVATION SHOWN ARE OFFERED EXCLUSIVELY FROM
ACTUAL EYE TO CONSTRUCTION THAT MAY ARISE
DURING THE CONSTRUCTION PROCESS

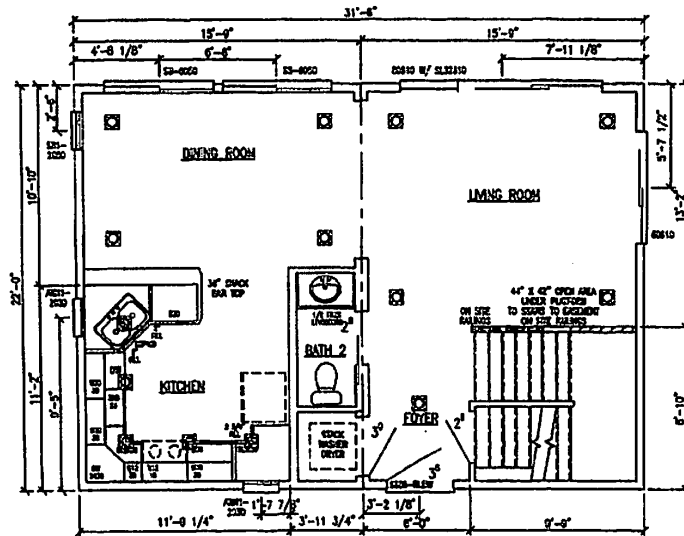
1" = 1'-0"
SCALE IN FEET

Stratford Homes
A DIVISION OF STRATFORD HOMES, INC.
1000 N. GARDEN ST. SUITE 100
MILWAUKEE, WI 53233

SCALE: AS SHOWN	NO. OF PAGES: 1	DATE: 11/11/11	REVISION: 1
DATE: 11/11/11	NO. OF PAGES: 1	DATE: 11/11/11	REVISION: 1
DATE: 11/11/11	NO. OF PAGES: 1	DATE: 11/11/11	REVISION: 1
DATE: 11/11/11	NO. OF PAGES: 1	DATE: 11/11/11	REVISION: 1

ELEVATIONS

SCALE: 1/8" = 1'-0"



WALL BRACING
 EXTERIOR BRACED WALL PANEL IS REQUIRED TO BE
 12'-0" FROM CORNERS WITH A MAXIMUM SPACING OF 24"
 FROM CENTER OF BRACED PANEL TO CENTER OF BRACED PANEL.
 SEE TABLE SCHEDULES FOR PROPER SIZES OF BRACED PANEL.
 ALL EX. AND INT. WALLS ARE COVERED WITH WALL OVERLAP.

SCALE IN FEET
 0 5 10 15 20

QUOTE: -
 CUST.: -
 BUILDER: -
 PHONE #: -
 CONTACT: -

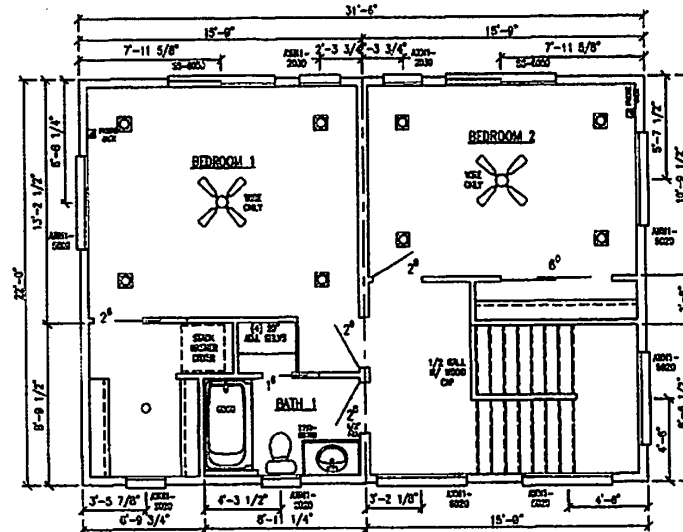
Stratford Homes
 LITTLE ROCK, AR

WINDOW SCHEDULE			
QUANTITY	WINDOW SCHEDULE	S.E.A.	VERT.
1	12' x 16'		
1	12' x 16'		
1	12' x 16'		
1	12' x 16'		
1	12' x 16'		
1	12' x 16'		
1	12' x 16'		
1	12' x 16'		
1	12' x 16'		
1	12' x 16'		

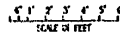
SCALE: 1/4" = 1'-0"	DATE: 1/1/78	BY: J. H. H.	CHECKED BY: J. H. H.
DATE: 1/1/78	BY: J. H. H.	CHECKED BY: J. H. H.	APPROVED BY: J. H. H.
DATE: 1/1/78	BY: J. H. H.	CHECKED BY: J. H. H.	APPROVED BY: J. H. H.
DATE: 1/1/78	BY: J. H. H.	CHECKED BY: J. H. H.	APPROVED BY: J. H. H.

1st FLOOR PLAN

123456



WALL BRACING
 EXTERIOR UNFINISHED WALL PANEL IS REQUIRED TO BE
 12'-0" FROM CORNER WITH A MINIMUM SPACING OF 2'-0"
 FROM CENTER OF CORNER PANEL TO CENTER OF STUDIED PANEL.
 SEE TABLE FOR MINIMUM SIZE OF STUDIED PANEL.
 ALL EXT. AND INT. WALLS ARE COVERED WITH GYPSUM SHEATHING.



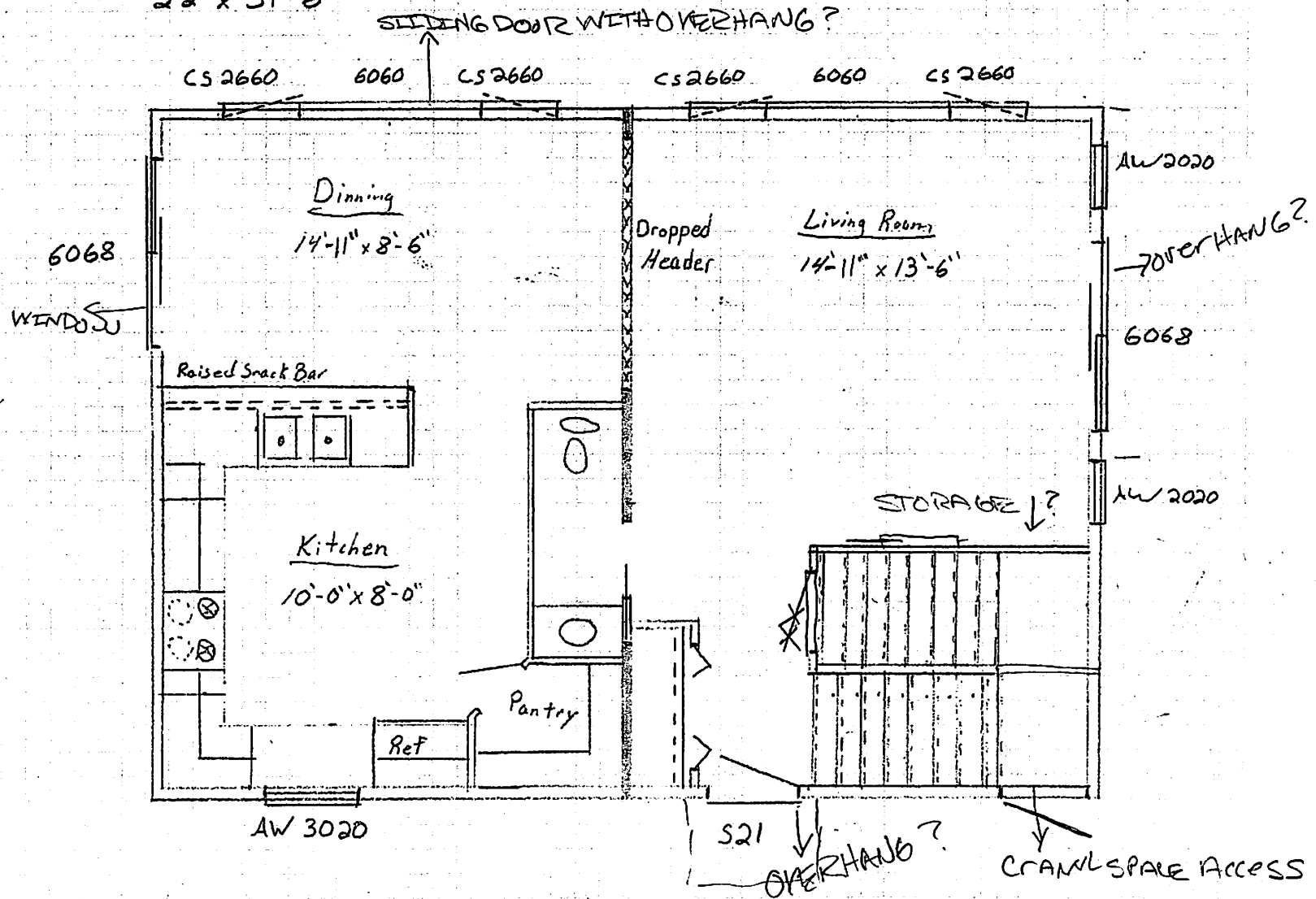
OWNER: -
 ARCHITECT: -
 ENGINEER: -
 CONTRACTOR: -

Stratford Homes Building Professionals			
MODEL: 1/4"-1"-0" DATE: - --	SET: 1/4" PLUM PERIOD ON 1/4" PLUM SEE SET TO SCALE	CHECKED: - APPROVED: - DESIGNED: -	DESIGN BY: - DRAWN BY: - SCALE: -
2nd FLOOR PLAN			SHEET NO.: -

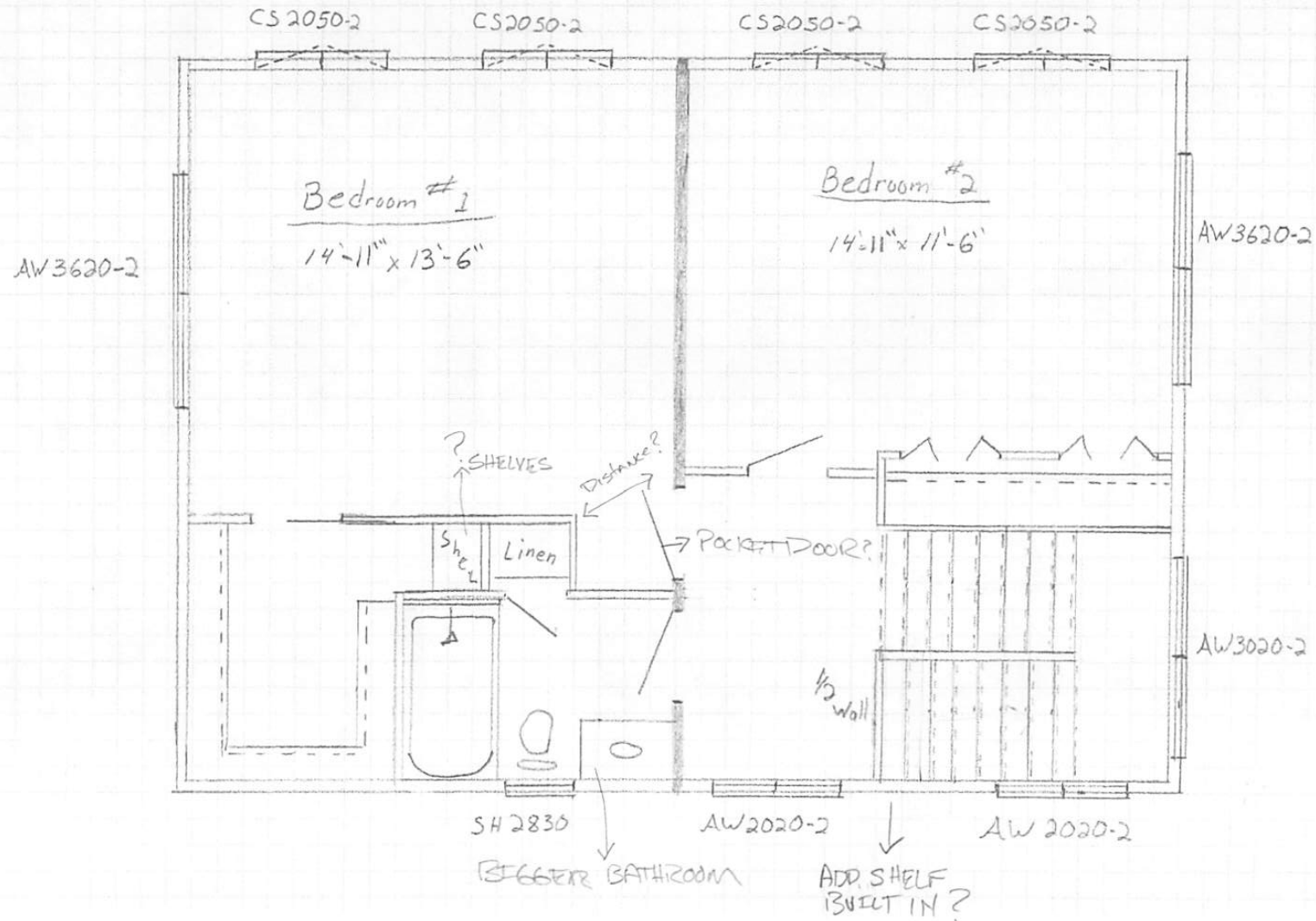
Lower Level
22' x 31'-6"

Lake Dreher Hayward W.

1/4"



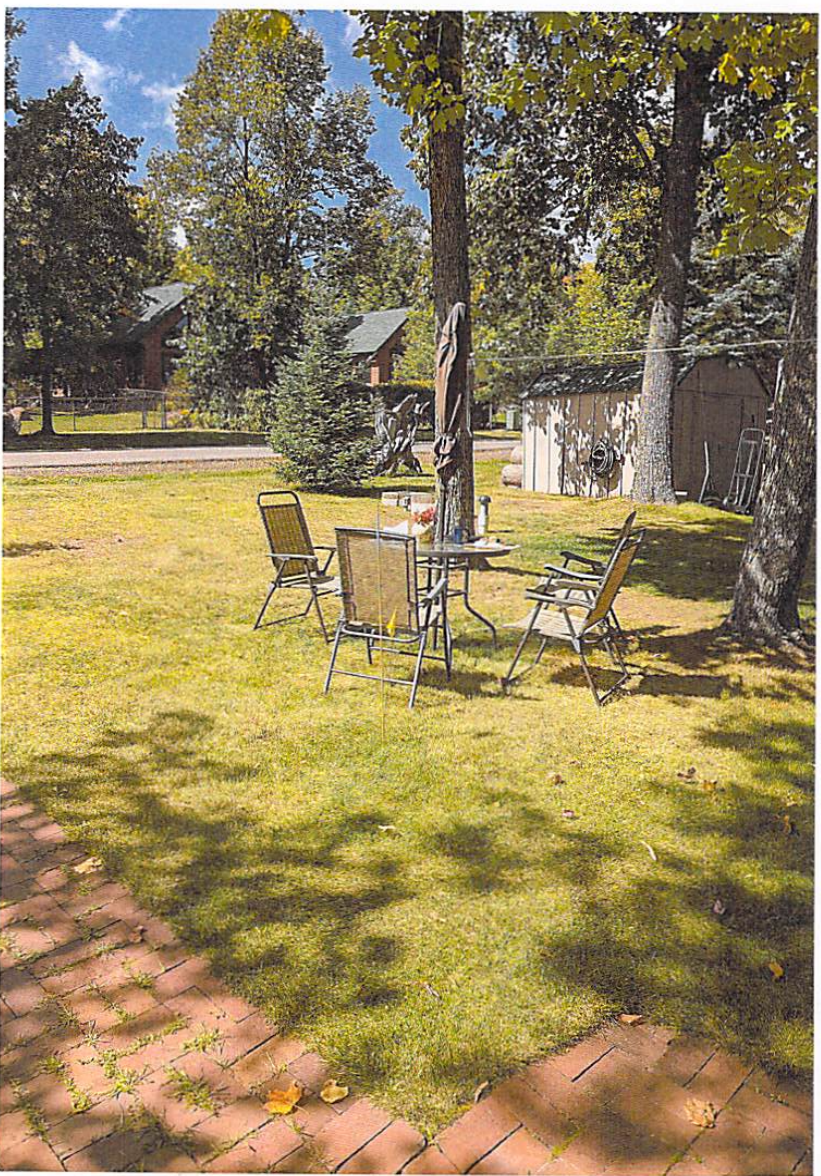
Upper Level
22' x 31'-6"

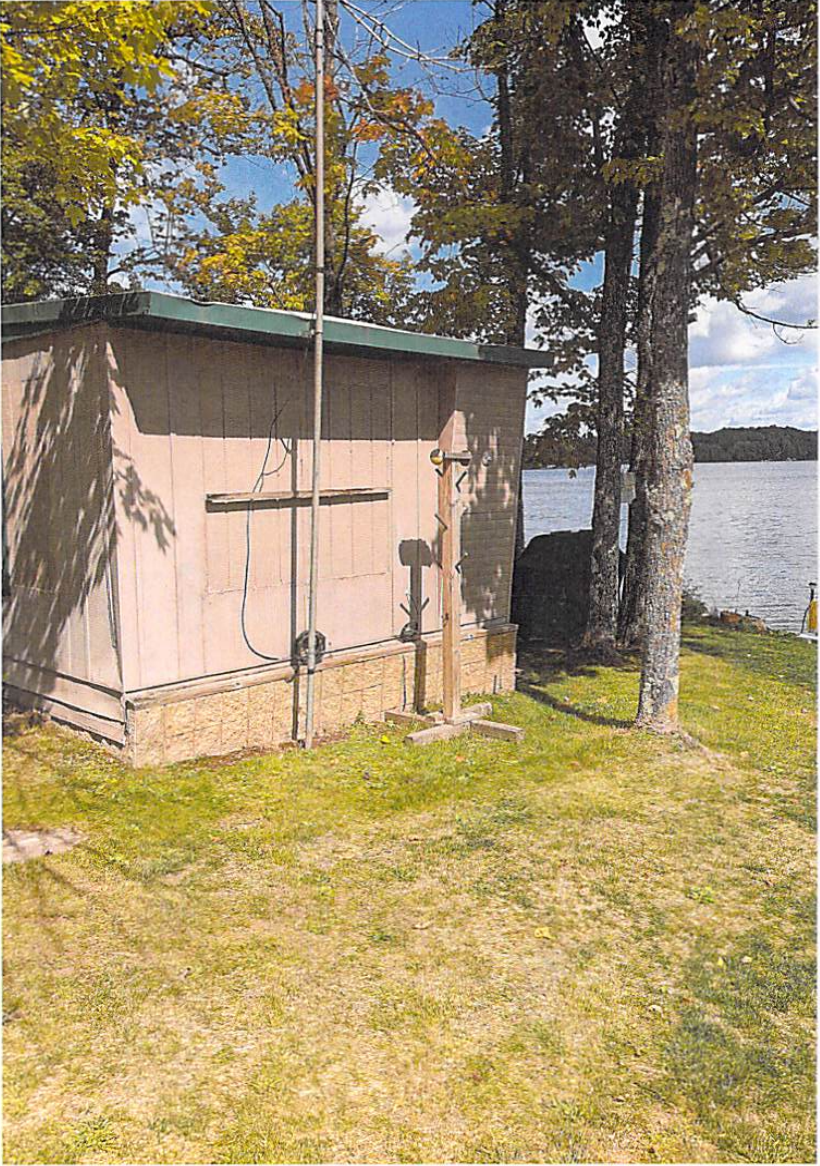


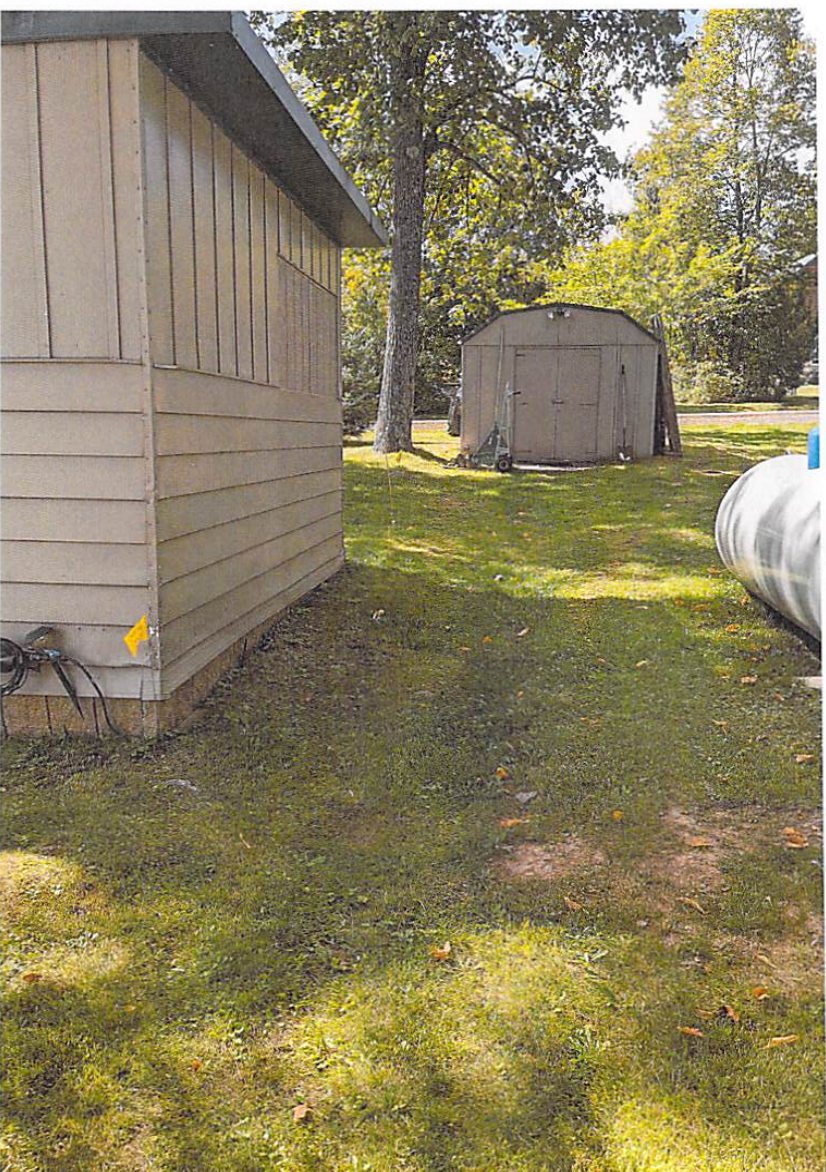
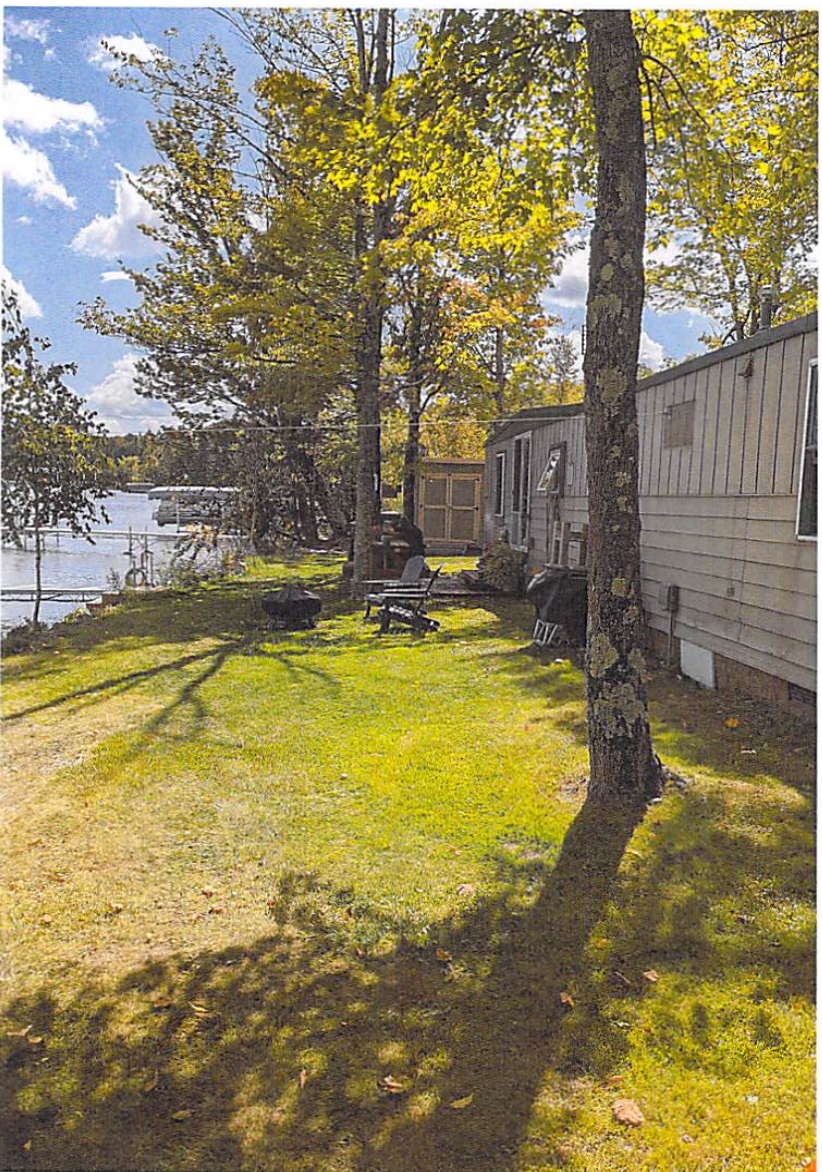














Sawyer County Zoning & Conservation Department

10610 Main Street, Suite 49

Hayward, WI 54843

pat.brown@sawyercountygov.org

Fax (715) 638-3277

(715) 634-8288

VARIANCE REQUEST STAFF REPORT

Applicant:

Jennifer L Gryttr
15366W County Hwy KK
Hayward, WI 54843

Property Location:

15358W County Hwy KK
Hayward, WI 54843
Parcel # 002-130-00-0501

Summary of Request:

The applicant, Jenny Gryttr, are requesting a variance to place a 28' x 38' (32' x 42' with eaves) prefabricated dwelling located at the closest point 30' to the OHWM of Durphee Lake. A portion of this new dwelling is in the footprint of the existing dwelling. Additionally, a reduced side yard setback of 4.5' one side setback is being requested. With granting of a variance the existing 16' x 38' with 4.5' x 5.5' bump out located 19.5' to the OHWM of Durphee Lake would be removed. All other setbacks would be met.

Project History:

This property has the existing non-conforming 16' x 38' with 4.5' x 5.5' bump out primary located 19.5' to the OHWM of Durphee Lake. Being that this structure is not completely located beyond 35' from the OHWM it is not eligible for the "200 Sq. expansion rule" a variance would be required for any lateral expansion. Additionally, vertical expansion of this structure would require wreck and rebuild thus requiring a variance as well for a substandard size dwelling not meeting the county dimensional requirements.

In 2006 the non-current applied for a variance and was granted a 24x38 (26x40) w/ 24x24 (25x26) attached garage at 75' OHWM Durphee Lake, 40' setback to C/L CTH KK, and 14' side yard setbacks. This variance approval expired in 2008.

In 2015 a completely new POWTS mound system was installed and reduced the building area in the prior approved variance location (see inclusion).

Also, seven of the eight adjacent primary structures are all located within the 75' setback to Durphee Lake.

The applicant, is applying for relief of Section 6.1, Sawyer County Zoning Shoreland-Wetland Protection Ordinance for a reduced OHWM setback. The required setback for new structures here would be 75' from

the OHWM. Additionally, the applicant is applying for relief of Section 18.49(a) Sawyer County Zoning Ordinance for a reduced side yard setback.

On-site Notes/Comments:

See attached inspection report completed by Pat Brown.

As part of the onsite visit on 09/24/21 Pat Brown helped the applicants Jenny Gryttr, measure out a spot for the proposed dwelling placement.

Hardship/Justification:

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

Board Decision Checklist:

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

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

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

1. Very little or no buildable area exists.
2. The buildable area lot is very narrow.
3. The lot depth is very shallow.
4. Steep slopes exist.
5. The setbacks overlap here.

6. There is no other room for a septic system.
7. Overall small lot size.
8. Erosion exists.

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

1. Visibility is good at the driveway location.
2. Traffic is light.
3. The septic will be upgraded.
4. Traffic is slowed here.
5. A turnaround is proposed.
6. This would make a bad situation better.
7. Good vegetation exists or is proposed.
8. The proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed.
9. A literal enforcement of the zoning code would be unnecessarily burdensome.
10. The testimony in opposition has been considered but no valid reasons could be found to deny.

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

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

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

1. The land owner has reasonable use already.
2. Cumulative impacts can be foreseen.

3. A self-imposed hardship cannot be grounds for an approval.
4. The Board concurs with the concerns expressed by _____.
5. Other alternatives exist such as building in another location or building a smaller structure.
6. A loss of profit or inconvenience is not a hardship.

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

1. There are many other similar lots in area.
2. The code requirements are not unnecessarily burdensome and should be adhered to.
3. The hardship is unique to the property owner.
4. This is a self-imposed hardship.
5. No hardship noted.
6. A loss of profit is not a hardship.
7. No unique lot features were noted by the Board.

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

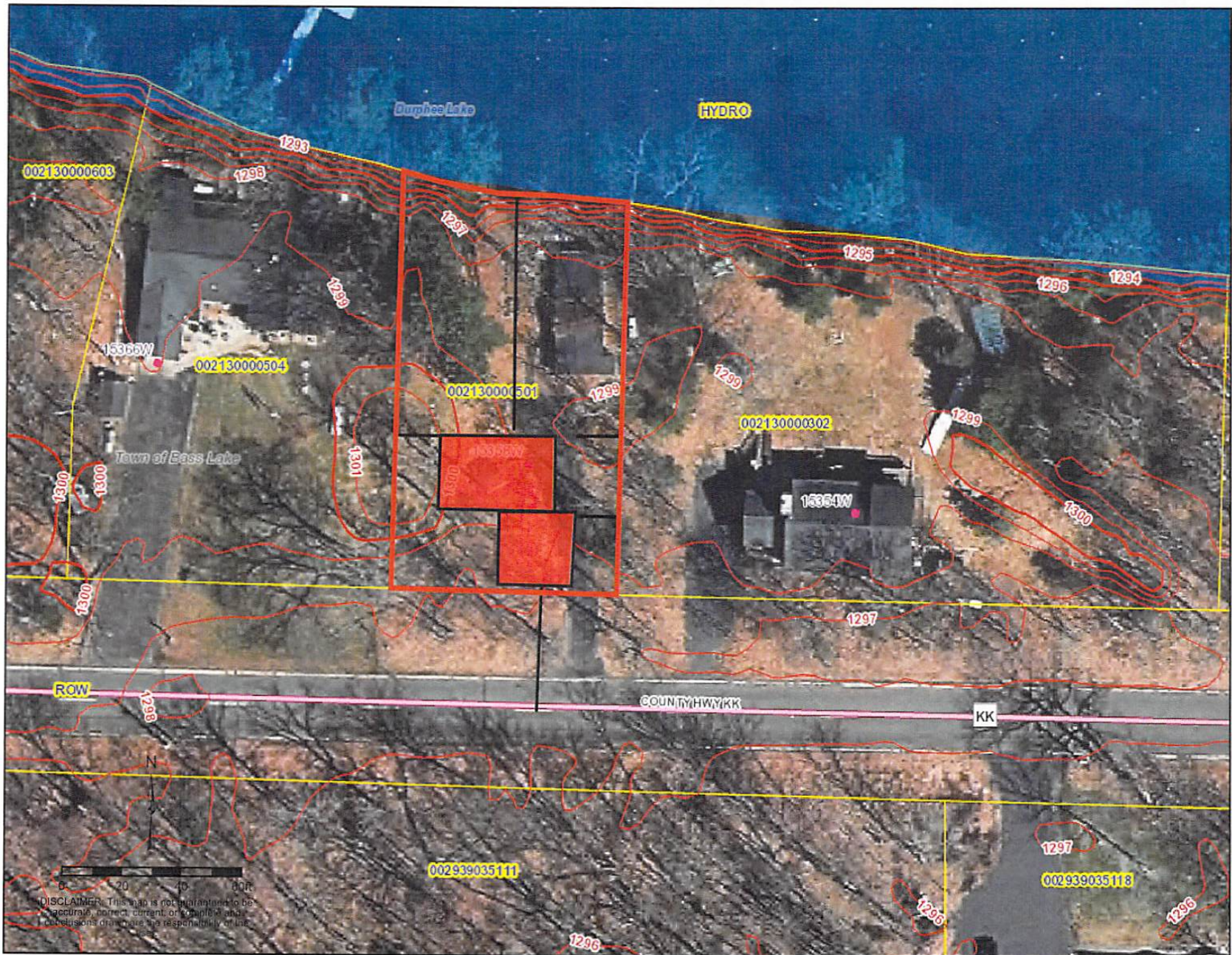
1. An approval would set a precedent.
2. Public safety could be compromised.
3. This would make a bad situation worse.
4. An increase in water runoff and erosion is anticipated.
5. Harm to water quality is anticipated.
6. The proposal appears to be for convenience to the landowner only.
7. An approval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

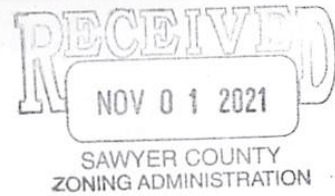
(Denial Conditions): Therefore, the requested variance is hereby denied with the following conditions (Board of Appeals to choose specific conditions unique to property):

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

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

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





Variance Application Request

Property Owner: Jennifer L Gryttr

Address: 15366W County Hwy KK Hayward, WI 54843 Phone: 414-704-1898 Email:

Property Description: Court Oreilles Park 1st Addn Prt Lot 5 Sec 34 T40N R09W Parcel # 002-130-00-0501 #15358W County Hwy KK

Acreage: .220 Zoned: Residential/Recreational One (RR-1)

Application requested:

Construction of a single 28' x 38 (32' x 42') with eaves dwelling located 30' to the OHWM of Durphee Lake. A portion of this new dwelling is in the footprint of the existing dwelling. Additionally, a reduced side lot setback of 4.5' one side setback is being requested. With granting of a variance the existing 16' x 38' with 4.5' x 5.5' bump out located 19.5' would be removed.

Variance requested as: Section 6.1, Sawyer County Zoning Shoreland Wetland Protection Ordinance, Shoreland Setbacks would require the prior granting of a variance for any structure less than 75' to the OHWM. Section 18.4, Sawyer County Zoning Ordinance, Dimensional Requirements would require the prior granting of a variance for any structure less than 10' to a side lot line and a total of 40' in total. The proposed variance is requesting a 30' setback to OHWM and 4.5' one side lot line setback.

Property Owner(s) Signature Jennifer L. Gryttr
Print & Sign

Jennifer L. Gryttr
Print & Sign

Agent Signature(s), address, phone &

Email: _____

Date of Meeting Dec. 14, 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 Jennifer L. Geyer
(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 has a very small cabin on it that is not in compliance - 16x38 - with regulations. Need to have a slab + foundation repairs in near future

Describe the variance requested - (e.g., "Add a 15' x 20' addition to the side of the home."). Remove existing cabin. Replace with a prebuilt home 28x38 - and garage for full time residence

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.").

This is necessary for a year round home. Would increase property values in neighborhood. Existing cabin could become uninhabitable in future

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.")

House is too close to lot line + lake - Can't stickbuild in footprint as it is not in compliance and is too small for full time living. Variance would make it full time residence

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

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

The prefab is the smallest residence I could find that would fit on the lot and would be

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.").

Property would greatly improve compared to what is there now - gutters + downspouts could be added - they do not exist now. Value of area property would increase

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.").

Lot is small - There is a 2yr old Mound System That prevents the house moving back toward road

☐ No. A variance cannot be granted.

2) No Harm to Public Interests.

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

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

*Granting of this variance would NOT do any harm
If variance is not granted the Cabin will
eventually Deteriorate.*

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. *I prevents me from using this as
a full time residence*

☐ No. A variance cannot be granted.

Real Estate Sawyer County Property Listing

Today's Date: 11/3/2021

Property Status: **Current**

Created On: 2/6/2007 7:55:02 AM

**Description**

Updated: 8/23/2021

Tax ID:	902
PIN:	57-002-2-40-09-34-5 15-163-000501
Legacy PIN:	002130000501
Map ID:	-19.5.1
Municipality:	(002) TOWN OF BASS LAKE
STR:	S34 T40N R09W
Description:	COURT OREILLES PARK 1ST ADDN PRT LOT 5
Recorded Acres:	0.220
Calculated Acres:	0.227
Lottery Claims:	0 LC Note
First Dollar:	Yes
Waterbody:	Durphee Lake
Zoning:	(RR1) Residential/Recreational One
ESN:	407

**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: 11/10/2020

AFFIDAVIT OF CORRECTION	
Date Recorded: 11/2/2020	427686
TRANSFER ON DEATH DEED	
Date Recorded: 10/5/2020	426966
CONVEYANCE RECORDED NOT USED	
Date Recorded: 10/5/2020	426964
DESIGNATION OF TOD BENEFICIARY	
Date Recorded: 11/8/2017	409661
WARRANTY DEED	
Date Recorded: 5/26/2015	395809
PLAT OF SURVEY	
Date Recorded: 4/28/2009	
QUIT CLAIM DEED	
Date Recorded: 9/13/1999	279362 685/85

**Ownership**

Updated: 8/23/2021

LEIF M & JENNIFER L GRYTTR HAYWARD WI**Billing Address:**

LEIF M & JENNIFER L GRYTTR
 15366W COUNTY HWY KK
 HAYWARD WI 54843

Mailing Address:

LEIF M & JENNIFER L GRYTTR
 15366W COUNTY HWY KK
 HAYWARD WI 54843

**Site Address** * indicates Private Road

15358W COUNTY HWY KK HAYWARD 54843

**Property Assessment**

Updated: 5/29/2018

2021 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.220	53,600	24,600

2-Year Comparison

	2020	2021	Change
Land:	53,600	53,600	0.0%
Improved:	24,600	24,600	0.0%
Total:	78,200	78,200	0.0%

**Property History**

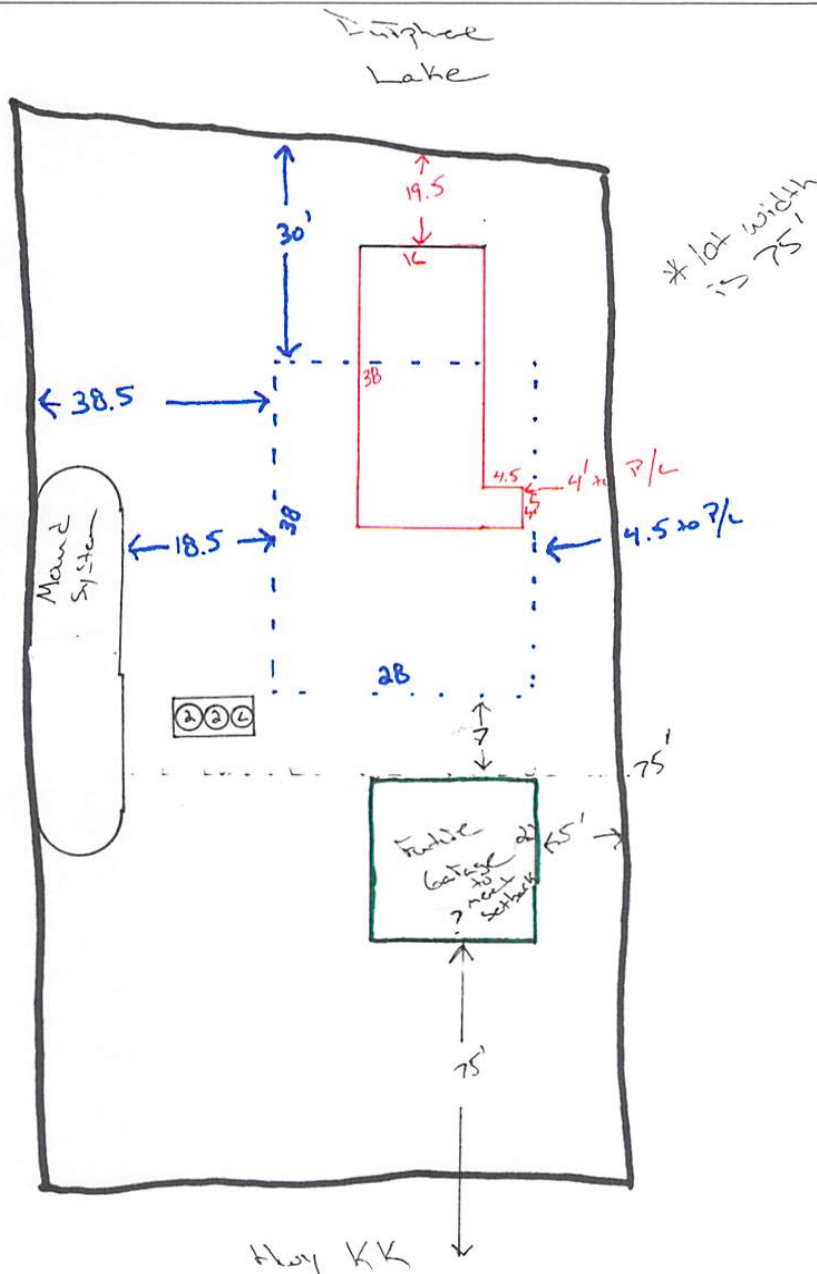
N/A

**Sawyer County Zoning Administration
Inspection Report**

Owner(s) Jennifer L Gryttr
 Address 15366W Couny Hwy KK
 Agent/Purchaser N/A
 Address N/A
 Bldr/Plber/CST N/A
 Address N/A

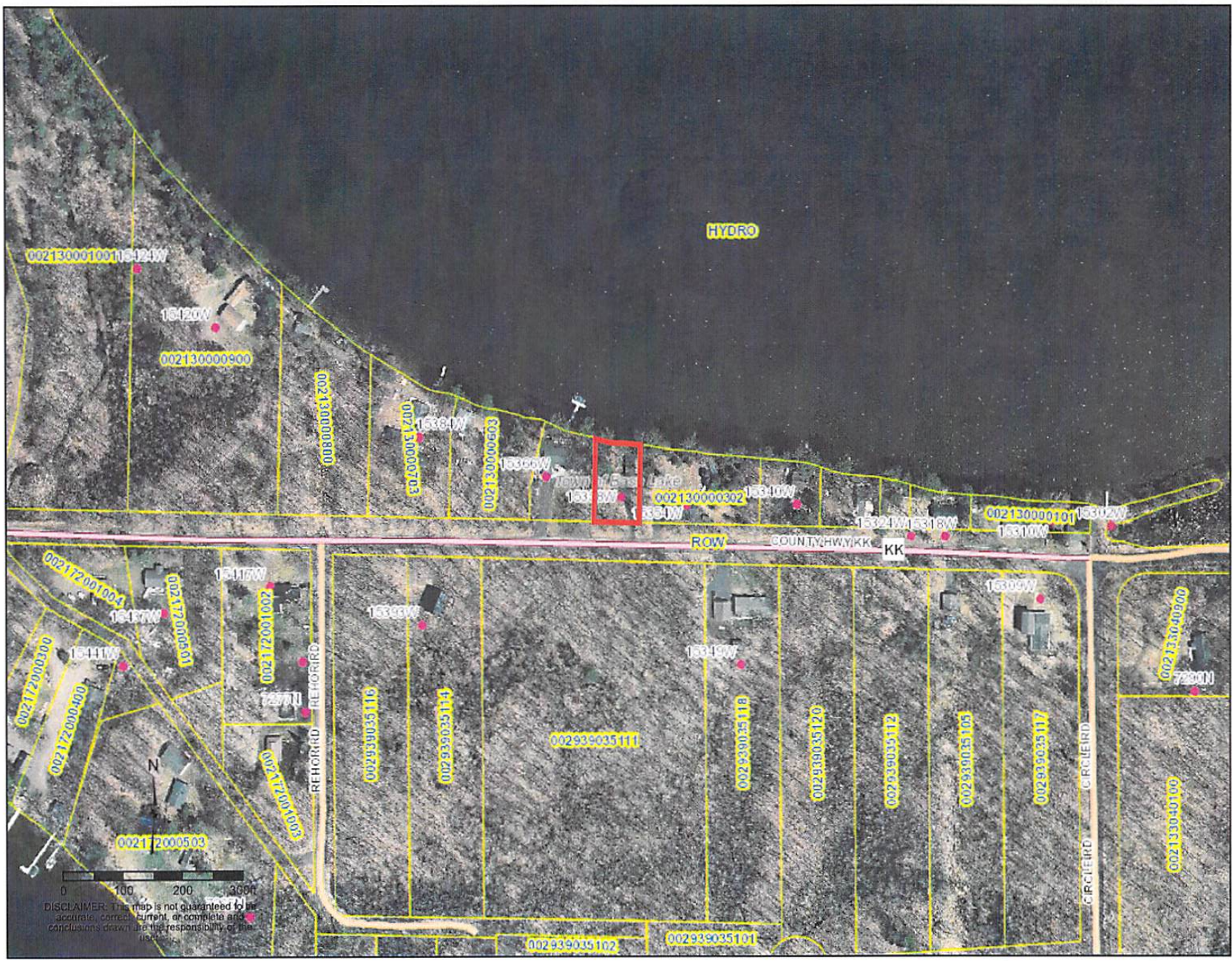
Inspection ☒ Private ☐ Public Violation ☒ Zoning ☐ Sanitation
☐ Dwelling ☐ Mobile Home ☐ Commercial ☐ Garage ☒ Addition
☒ Setback - Lake ☒ Setback - Road ☒ Setback - Lot Line ☐ Soils Verification
☐

15358W County Hwy KK Hayward, WI Court Oreilles Park 1st addition Prt Lot 5



Discussed with Pat Brown & Jenny Gryttr
 Date & Time September 24th 2021 10am
 Signature of Inspector [Signature]

Owner(s) Jennifer L Gryttr Town of Bass Lake Govt Lot 1/4 1/4 S 34 T 40 N R 09 W
 Lot(s) Blk(s) N/A Subdivision Court Oreilles Park 1st Addn Computer # 002-130-00-0501 Parcel(s) -19.5.1









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:

John & Mary Jo Bross

Property Location:

Abendpost Beach 1st Addn., Lots 25& 26, Block 12; S31, T40N, R08W; Parcel #002-106-12-2500; .171 total acres; Zoned Residential/Recreational One (RR-1).

Summary of Request:

The applicants are requesting the construction of a 24'x32' (26'x34') with eaves accessory structure (1-story garage). The proposed structure would be located 22' at the closest point from the Right-of-way (ROW) line of both Fox Avenue and Court Oreilles Lake Drive, Town Road(s). Both of these Town Roads are granted reduced Town Road setbacks but would still require a 29.5' setback from ROW. Also, with this request the applicant will also need to be granted a Conditional Use Permit for an accessory structure on vacant land across from a Town Road from where the principal dwelling is located. Variance requested as: Section 4.21(3), Sawyer County zoning Ordinance would require the prior granting of a variance for any structure closer than 46' from the centerline of a Town Road in Northwoods Beach with a road width of 33' or 29.5' from the ROW, whichever is greater. The ROW setback distance is greater with the proposed request to be 22' from 2 separate ROW lines.

Project History/On-site Notes/Comments:

See attached drawings with packet.

In conversations with John Bross this additional garage across the Town Road is needed for additional storage of vehicle and other personal equipment. No other area exists on the lot containing the primary dwelling with attached garage also due to road setbacks and lake setbacks. With the attached maps in the packet there is a small amount of complaint buildable area within this location but would result in a 6-sided garage with one longer bay and one shorter bay for the garage stalls. Ultimately the variance is then being requested for a reduced Town road setback on both sides of the proposed garage.

Again, this variance request also will require the prior granting of a Conditional Use Permit under Section 4.26(2) for the placement of an accessory structure on an adjacent parcel divided by a Public Roadway. The CUP case is scheduled to be heard on 12/17/21. Any approvals of a variance would automatically be conditions for approval of the CUP.

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: John & Mary Jo Bross

Address: 127 Barb Blvd De Kalb, IL 60115 Phone: 815-756-1228 Email: ¹²jbross@comcast.net

Property Description: Abendpost Beach 1st Addn Lots 25&26 BLK 12 Sec31 T40N R08W, Parcel # 002-106-12-2500
Primary Dwelling located across Town Road at #7537N Court Oreilles Lake Drive

Acreage: 0.207 Zoned: Residential/Recreational One (RR-1)

Application requested:

The construction of a 24' x 32' (26' x 34') with eaves accessory structure (1-story garage). The proposed structure would be located 22' at the closest point from the Right-Of-Way (ROW) Line of both Fox Ave and Court Oreilles Lake Drive, a Town Road. Both of these Town Roads are granted reduced Town Road setbacks but would still require a 29.5' setback from ROW. Also, with this request the applicant will also need to be granted a Conditional Use Permit for an accessory structure on vacant land across from a Town Road ~~for~~ FROM where the principal dwelling is located.

Variance requested as:

Section 4.21(3), Sawyer County Zoning Ordinance would require the prior granting of variance for any structure closer than 46' from the centerline of a Town Road in Northwoods Beach with a road width of 33' or 29.5' from the ROW, whichever is greater. The ROW setback distance is greater with the proposed request to be 22' from 2 separate ROW lines.

Property Owner(s) Signature

Print & Sign

JOHN BROSS

[Signature]

Print & Sign

Agent Signature(s), address, phone &

Email:

Date of Meeting

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 John K. Bross
(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.").

Vacant lot across town road from our home

Describe the variance requested - (e.g., "Add a 15' x 20' addition to the side of the home."). We would like to build a 24' x 32' (26' x 34' w/eros) garage on an irregular shaped lot. Between 2 town roads.

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 would remain an empty lot and our stuff would have to remain outside. This would be an eyesore for us and our neighbors -

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 smaller size garage would not fit the items we need to store - We have 2 large boats and 2 UTV's + a jet ski a smaller garage simply would not work for us.

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

Garage 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.").

This structure would have no impact on our property or our neighbors - We will be putting gutters and downspouts on it plus landscaping to match our home across the road-

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 an irregular shaped lot between 2 town roads and we need some set back relief to build the size garage we need.

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.

The building of this garage will have no impact on public health + safety. No impact on fish and wildlife habitat what we are building will enhance the look of our neighborhood -

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.

We want to put up an 884 sq. ft garage on a 9,600 sq. ft area but due to the shape of ~~the~~ lot and because it's between 2 town roads we need set back relief - "Thank You for Your Time" John Brass

Sawyer County Zoning Administration
Inspection Report

Owner(s) John & Mary Jo Bross 815-756-1228 jbross12@comcast.net

Address 127 Barb Blvd De Kalb, WI 60115

Agent/Purchaser _____

Address _____

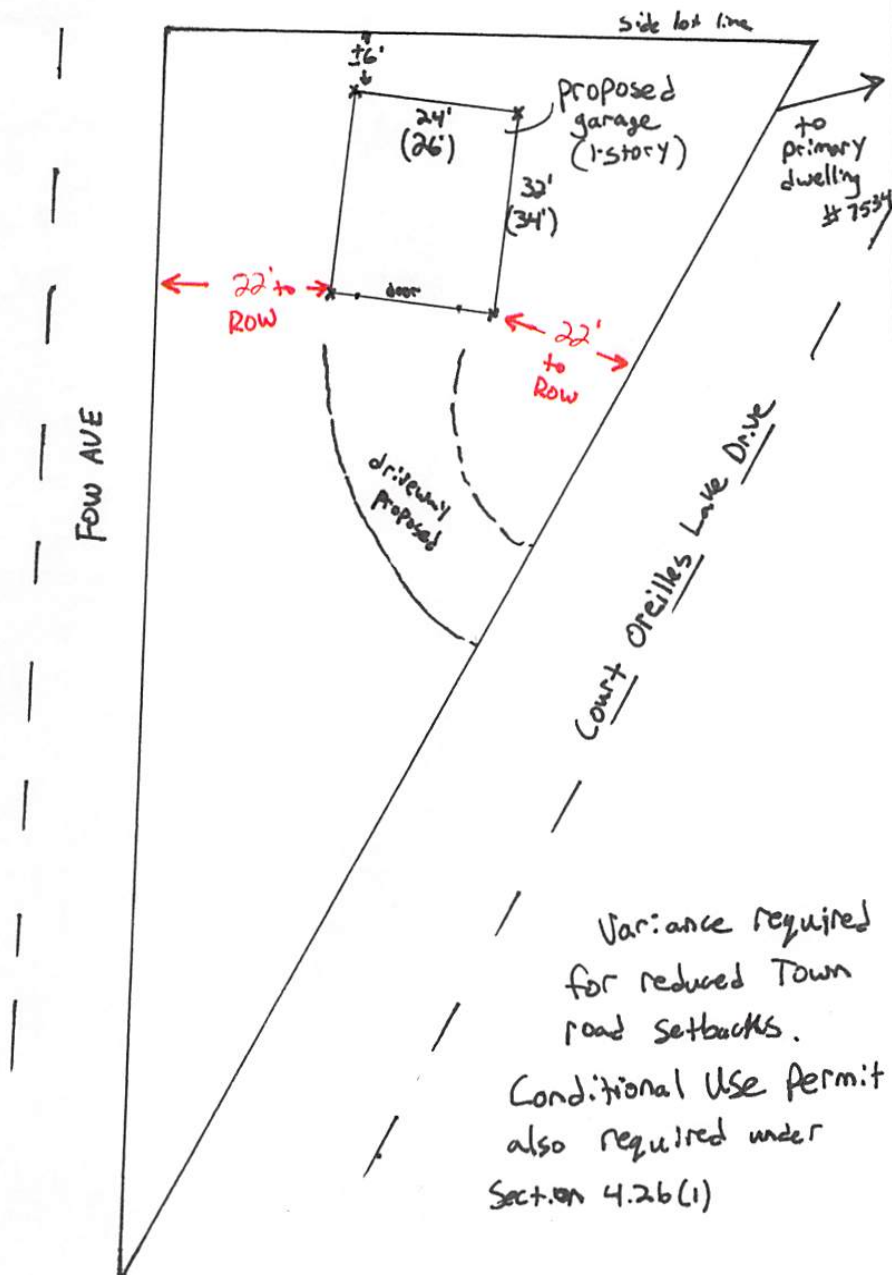
Bldr/Plber/CST _____

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 variance

WD#388460 0.207 Acres RR-1 #7537N Court Oreilles Lake Drive



Discussed with John Bross and Jay Kozlowski

Date & Time 10/20/21 11:00 AM

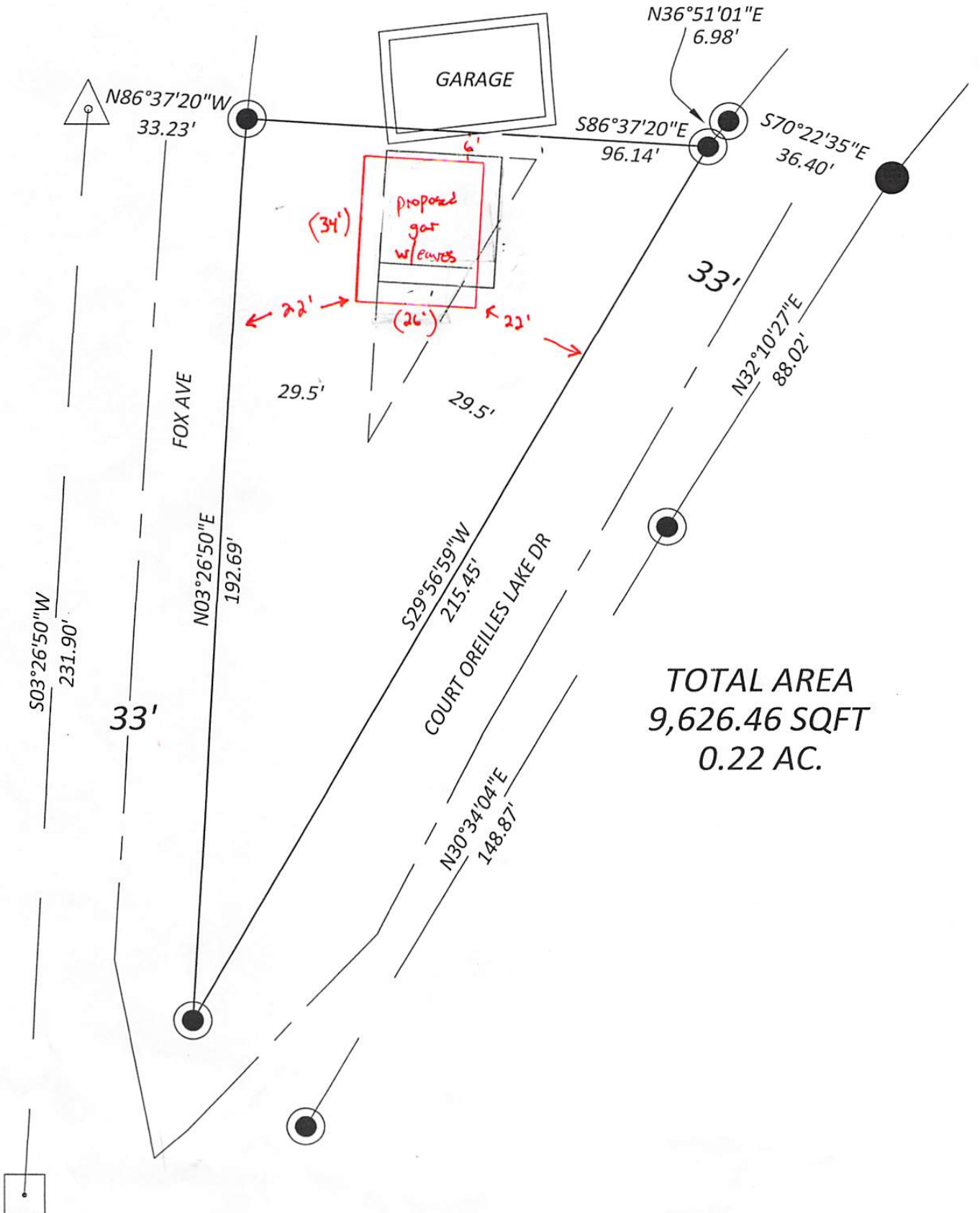
Signature of Inspector Jay Kozlowski

Lot(s) 6-8 Blk(s) 13 Subdivision ABENPOST BEACH 1ST ADDN Computer # 002-106-13-0600 Parcel(s) _____

Owner(s) BROSS, JOHN & MARY JO Town of BASS LAKE Govt Lot _____ 1/4 _____ 1/4 S 31 T 40 N R 08 W

BLK 12

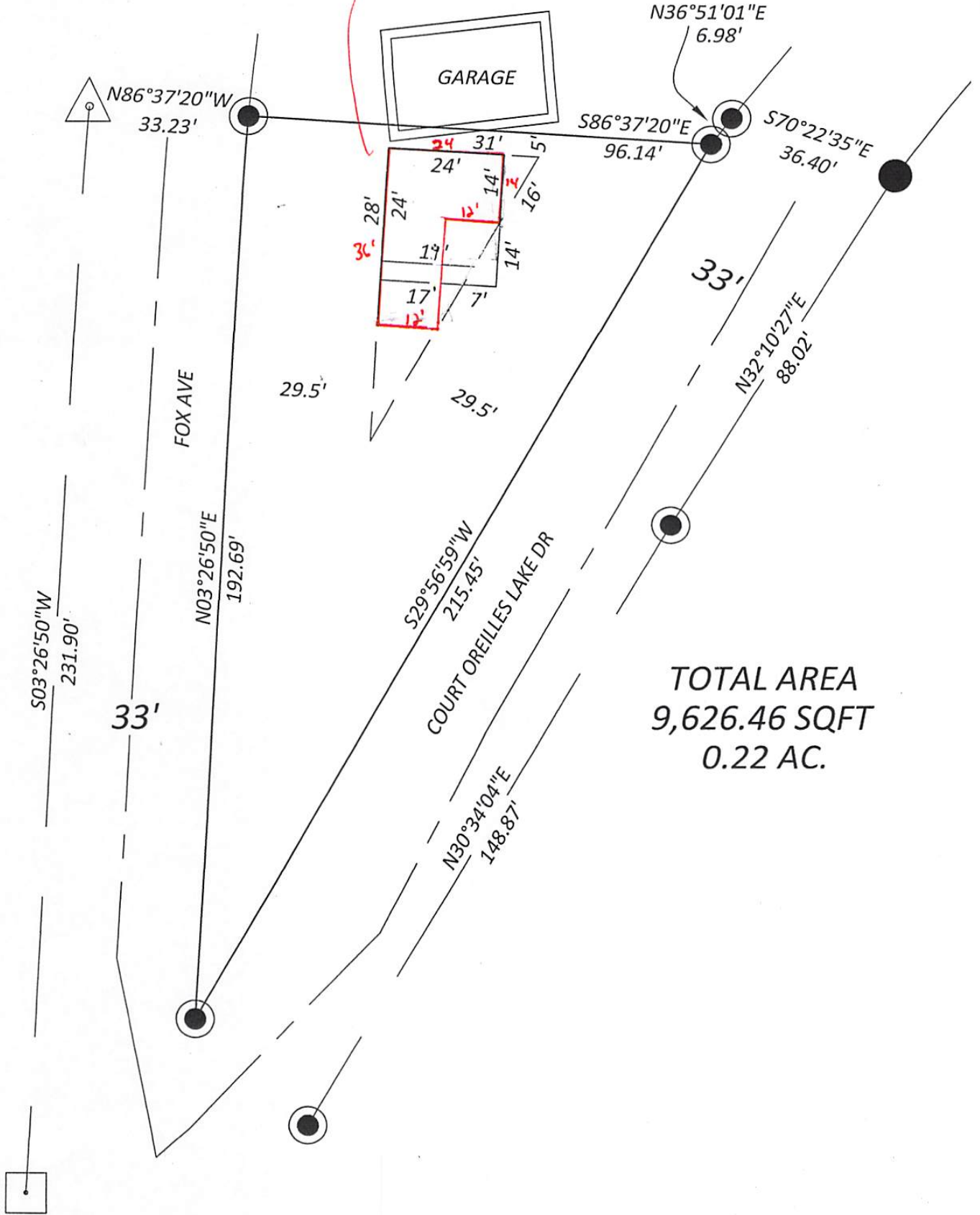
LANDS
LOT 24



BLK 12

compliant setbacks.

LANDS
LOT 24



Real Estate Sawyer County Property Listing

Today's Date: 10/29/2021

Property Status: Current

Created On: 2/6/2007 7:55:01 AM

Description	Updated: 1/10/2014
Tax ID:	301
PIN:	57-002-2-40-08-31-5 15-156-122500
Legacy PIN:	002106122500
Map ID:	-13.12.25 & 26
Municipality:	(002) TOWN OF BASS LAKE
STR:	S31 T40N R08W
Description:	ABENDPOST BEACH 1ST ADDN LOTS 25 & 26 BLK 12
Recorded Acres:	0.171
Lottery Claims:	0
First Dollar:	No
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: 9/19/2011
--------------------	--------------------

WARRANTY DEED

Date Recorded: 11/22/2013

[388460](#)**PERSONAL REPRESENTATIVES DEED**

Date Recorded: 8/30/1988

[210700](#) 423/354

Ownership	Updated: 1/10/2014
JOHN K BROSS	DE KALB IL
MARY JO BROSS	DE KALB IL

Billing Address:	Mailing Address:
JOHN K & MARY JO BROSS	JOHN K & MARY JO BROSS
127 BARB BLVD	127 BARB BLVD
DE KALB IL 60115	DE KALB IL 60115

Site Address	* indicates Private Road
--------------	--------------------------

N/A

Property Assessment	Updated: 2/6/2007
---------------------	-------------------

2021 Assessment Detail			
Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.171	800	0
2-Year Comparison			
	2020	2021	Change
Land:	800	800	0.0%
Improved:	0	0	0.0%
Total:	800	800	0.0%

Property History

N/A

Real Estate Sawyer County Property Listing

Today's Date: 10/29/2021

Property Status: Current

Created On: 2/6/2007 7:55:01 AM

 **Description** Updated: 1/10/2014

Tax ID: 306
PIN: 57-002-2-40-08-31-5 15-156-130600
 Legacy PIN: 002106130600
 Map ID: -13.13.6-8
 Municipality: (002) TOWN OF BASS LAKE
 STR: S31 T40N R08W
 Description: ABENDPOST BEACH 1ST ADDN LOTS 6-8 BLK 13
 Recorded Acres: 0.207
 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: 9/19/2011

 **WARRANTY DEED**
 Date Recorded: 11/22/2013 [388460](#)

 **PERSONAL REPRESENTATIVES DEED**
 Date Recorded: 8/30/1988 [210700](#) 423/354

 **Ownership** Updated: 1/10/2014

JOHN K BROSS DE KALB IL
MARY JO BROSS DE KALB IL

Billing Address: **Mailing Address:**
JOHN K & MARY JO BROSS **JOHN K & MARY JO BROSS**
 127 BARB BLVD 127 BARB BLVD
 DE KALB IL 60115 DE KALB IL 60115

 **Site Address** * indicates Private Road

7534N COURT OREILLES LAKE DR HAYWARD 54843

 **Property Assessment** Updated: 9/13/2012

2021 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.207	145,800	193,200

2-Year Comparison

	2020	2021	Change
Land:	145,800	145,800	0.0%
Improved:	193,200	193,200	0.0%
Total:	339,000	339,000	0.0%

 **Property History**

N/A

House

