

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEALS
December 14, 2021 at 6:00 PM**

Board of Appeals

Al Gerber, Chairman
Laura Rusk
Mark Olson
Steve Kelsey
Dee Dobilas
Gordy Christians, Alternate
James Tiffany, Alternate

Zoning Administration

Jay Kozlowski, Zoning & Conservation Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator
Pat Brown, Assistant 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. December 15, 2020 in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll Call finds present: Gerber, Olson and Kelsey. Rusk is virtual. Brown and Marks 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.

c) Approval of Minutes from November 12, 2021. Motion by Olson to approve the minutes as presented, second by Kelsey. All in favor. Motion carries.

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 for a reduction for a reduction (more non-conforming lot) in an existing substandard lot. Brown reads the application, staff report, Town opinion and Neighbor opinion letters. Andrew Mela, owner speaks in favor of the application. Michael Troska, condo owner speaks in favor and that the condo association does approve of buying the land. No other audience comments. Discussion by the Board held. Motion by Olson to approve the application with conditions of: 1) Approval letter from the Condo association. 2) Resulting outlot must be combined with existing "Beechmore Resort Condo" parcel (by plat of survey, certified survey map) to avoid creating an additional parcel. 3) Proposed outlot must be incorporated into the common area of the condo plat. Second by Kelsey. All in favor. Motion carries. Findings of Fact: 1) The application satisfies the 3-step test. 2) It is a unique property. 3) There is unnecessary hardship. 4) There is no harm to public interest.

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 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. Brown reads the application, staff report, there was no Town response and Neighbor opinion letters. James Derher, owner speaks in favor of the application. No other audience comments. Discussion with Board is held. Motion by Olson to approve with conditions of 1) Would have to stay under 654' square feet impervious surface with eaves. 2) No closer than 27' to the OHWM. 3) No less than 50' from the c/l of County Highway T. 8'x10' deck is allowed but no closer than 27' to the OHWM. 4) Condo approval letter submitted to the Zoning Department. 5) Will need a rain garden with approval from the Zoning Department with a mitigation plan. Second by Kelsey. Discussion held by Board. All in favor. Motion carries. Findings of Fact: 1) It is a unique property. 2) It is an unnecessary Hardship. 3) There is no harm to public interest.

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 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. Brown reads the application, staff report, Town opinion and Neighbor opinions. Jennifer Gryttr, owner speaks in favor of the application. Discussion held with Board. Steve Umland, neighbor speaks in favor of the application. No other audience comments. Discussion by Board held. Motion by Olson to approve the application with conditions of 1) Lake setback to be 75'. 2) Setback to c/l of Hwy KK to be no less than 40'. 3) 14' side lot setback on West side (mound side). 4) 4.5' side lot setback on east side (same as current structure). 5) 2-year time limit for LUP to be taken out to build. Second by Gerber. All in favor. Motion carries. Findings of Fact: The 75' lake setback is more important than a reduced road setback. 2) It would be a self-created hardship. 3) There is no harm to public interest. 4) It would not be damaging to the rights of others. 5) It would be due to special conditions unique to the property.

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. Brown reads the application, staff report, Town opinion and Neighbor opinions. John Bross, owner. Discussion with Board, Brown and Bross. Phil Nies, Bass Lake resident speaks of the Planning Commission in Bass Lake and the Town Board denial. John Bross, owner withdraws the Variance application.

NEW BUSINESS

a) Any other business that may come before the Board. Brown explains why the need for raising fees to cover costs of what is needed to prepare a Variance case. Discussion held. No other business to discuss.

ADJOURNMENT

Motion made by Olson, second by Kelsey to adjourn. All in favor. Motion carries.

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator