



Sawyer County

Agenda

Zoning Board of Appeals Meeting

Tuesday, June 21, 2022 @ 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
[BOA Preliminary](#)
- c. Approval of April 26, 2022 minutes
[4-26-2022 BOA Minutes](#)

3. VARIANCE APPLICATIONS

- a. A public hearing in the Town of Edgewater. VAR #20-002. Owners: Craig Longacre & Lisa Longacre. Woodland Park, Lot 6; S19, T37N, R09W; Parcel #008-192-00-0600; .268 acres; Zoned Residential/Recreational One (RR-1). Application is for the construction of a 24' x 24' (26' x 25' with eaves) attached garage and a 5' x 24' portion of an attached foyer onto an existing permitted primary dwelling. The purposed attached garage area and a portion of the foyer area is needing the variance approval. The attached garage would be 34' at the closest point to the centerline of Maple Terrace Drive, a town road and 24' at the closest point to the road right-of-way. It should be noted that the traveled width of this is only 20' and is not located in the middle of the platted road right-of-way. Variance is requested as: Section 4.21 (3) Setback Requirements on Highways and Roads, Sawyer County Zoning Ordinance, would require the prior granting of a variance for any structure located closer than 63' to the centerline of a Town Road or 30' from the right-of-way, whichever is greater.

63 - 75

[VAR #22-002, Craig & Lori Longacre, Pkt.](#)

- b. A Public Hearing in the Town of Hayward, VAR#22-003. Owners: ACRCMK Trust. Part of Government Lot 2 & Lots 1 & 2 CSM 6/76 #1153; S22, T40N, R08W; Parcel #010-840-22-5203; 7.06 total acres; Zoned Forestry One (F-1). Application is for the construction of a 30' x 40' pole building with a 12' x 60' lean to/greenhouse. Variance requested as: Application for 2nd building subject to Sawyer County Zoning Ordinance Section 4.26 (2). This will be the 2nd accessory structure across the Town road from where the principal dwelling is located.

[VAR #22-003 ACRCMK Trust pkt.](#)

4. APPEALS

- a. None

5. NEW BUSINESS

- a. Board of Appeals opinion of Department of Natural Resources offering comments for shoreline zoning variance request. (Discussion/Action)
- b. Any other business that may come before the Board for discussion.

6. ADJOURNMENT

PRELIMINARY MATTERS

Board of Appeals

Call to Order and Roll Call.

The Public Hearing before the Sawyer County Zoning Board of Appeals is hereby called to order at 6:00 PM in the Sawyer County Courthouse, 10610 Main Street, Hayward, Wisconsin.

Roll Call:	Al Gerber	Dee Dobilas	Zoning:	Jay Kozlowski
	Laura Rusk	Jim Tiffany		Kathy Marks
	Steve Kelsey			Pat Brown
	Gordy Christians			

Statement of Board and Hearing Procedure

Those persons desiring to give pertinent testimony will be afforded the opportunity to do so. As recognized by the Chairman, that person will clearly state their full name before giving testimony.

Each hearing will follow this order: reading of the application, submission of the file to the Board, applicant's statements and presentation of evidence, testimony of those in support of the application, statements from persons in objection to the application, rebuttal as permitted by the Board, and decision by the Board.

Orderly procedure requires that each side shall proceed without interruption by the other. All testimony will be addressed to the Board and there will be no questions or arguments between individuals.

Any persons aggrieved by a decision of the Board may appeal the decision to the Circuit Court within 30 days of the date following the Board's decision letter. The day following the signing of the Board's decision letter is the first day of the thirty (30) day appeal filing period.

Statement of Hearing Notice

This Public Hearing has been published as a Class 2 Notice in accordance with Chapter 985, Wisconsin Statutes, in the Sawyer County Record and Sawyer County Gazette.

The Public Hearing will follow this order: Variance applications, New Business and Adjournment.

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEAL
April 26, 2022**

Board of Appeals

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

ZONING ADMINISTRATION

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

PRELIMINARY MATTERS

1) Call to Order and Roll Call. Gerber called the Public Hearing before the Sawyer County Zoning Board of Appeals to order at 6:30 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Gerber, Rusk, Kelsey, Dobalis, Christians and Tiffany. Kozlowski, Brown and Marks are present from the Zoning office. TJ Duffy Corporation Council.

2) Statement of Board and Hearing Procedures and Hearing Notice. Those wishing to speak will be afforded the opportunity provided they identify themselves. Gerber gave order of submitting files to BOA, taking testimony, and making a decision. He requests orderly procedure and gives appeal deadline. The Public Hearing Notice was published as a Class 2 Notice in accordance with Chapter 985 of the Wisconsin Statutes in the Sawyer County Record and Sawyer County Gazette.

3) Minutes from previous meeting. Motion to approve the December 14, 2021 minutes by Gerber, second by Kelsey. All in favor.

4) Kozlowski not on BOA panel, Rusk recuses, Christians on for alternate.

APPEAL

a) A public Hearing in the Town of Hunter. APP #22-001. Appellant: Douglas Kurtzweil. Part of the NE ¼ of the NE ¼, Lot 2A CSM 6/382 #1318; S16, T40N, R07W; Parcel #012-740-16-1102; 1.02 total acres; Zoned Residential/Recreational One (RR-1). This Appeal is against the Zoning Administrator's decision regarding Old Arrow Resort use, falling within the definition of a "resort". Brown reads the application for the Appeal. Kozlowski explains his interpretation of the Ordinance and that he had asked for the Zoning Committee's input and also Council Roeker advice. Kozlowski also speaks of the correspondence timeline between Kurtzweil and himself. Steve Sorenson, attorney for Sawyer County speaks in support of Kozlowski's decision and interpretation of the Ordinance. Discussion with Board held. Attorney Linda Coleman for

Douglas Kurtzweil speaks against the decision of the Zoning Administrator, Kozlowski. Douglas Kurtzweil, appellant hands out 2022 advertising, photos and online advertising. Linda Coleman, Attorney for Kurtzweil speaks of the definition of a resort in the Sawyer County Ordinance. Linda Zillmer, Edgewater property owner speaks that resorts are not allowed in the RR-1 and RR-2 zone district. Laura Rusk, Town of Hunter Chairman speaks of the zone districts and resorts not allowed in them. Also Rezone and Conditional Use permits needed to have a resort. Benjamin Kurtzweil, Sawyer County resident speaks of resorts and the amenities. Attorney Steve Sorenson speaks of the definition of a resort and that in this case it is not a resort. He also speaks of seller's permits, business use, and interpreting the Ordinance. Discussion with Board held. Kozlowski rebuts comments and adds that the decision was made with the Zoning Committee. David Toczak, owner speaks of the name of the business and what it means. Linda Coleman, attorney for Kurtzweil speaks of the BOA being the judge and that this is a resort. Steve Sorenson, Sawyer County attorney speaks to the Board that this is not a de novo. Discussion by Board and Kozlowski. Laura Rusk, Town of Hunter Chairman speaks that Jay is not the bad guy. That the property needs to have a rezone and a conditional use permit to be able to be run as a resort. Kozlowski responds that could be considered "spot zoning" and that a CUP would not be allowed because of dimensional requirements. TJ Duffy, attorney for BOA speaks of no business being run out of the two cabins. Dee Dobalis, BOA member speaks of the name being a tribute to the previous owners. Discussion continues with Board. Motion by Gerber to deny the Appeal, second by Dobalis. No discussion. Roll call finds Dobalis – yes, Tiffany – yes, Kelsey – no, Christians – yes, Gerber – yes. 4 to 1. Request denied. Findings: Zoning Administrator and Zoning Committee followed the letter of the law as appears Sawyer County Zoning Ordinance and Shoreland Zoning Ordinance.

Break for 5 minutes. Meeting called back to order by Gerber.

VARIANCE APPLICATIONS

a) A Public Hearing for the Town of Bass Lake. VAR #22-001. Stipulation and Order to Remand for Reconsideration consistent with applicable Law. Owner: Dean & Heide Miller. Part of Government Lot 4, Lot 3 CSM 12/357 #3034; S06, T39N, R08W; Parcel #002-839-06-5404; .260 total acres; Zoned Residential/Recreational One (RR-1). Application requested: 3 specific elements of an after-the-fact variance request. 1) The construction of a patio/walkway area that is outside of the existing footprint area of the existing cantilever portion. This would be viewed as a 1' x 21' expansion area of the patio and wing-wall closer to the water. 2) The second element of the request has 2 specific expansions related to the same area. First is the relocation of an existing retaining wall not within the existing foot print. This existing retaining wall was relocated further from the water. The second specific request is by moving the retaining wall further back a smaller portion of walkway was added. The approximate size of the walkway expansion area is an 11' x 4' triangular portion. 3) Is the expansion of a walkway area that is approximately 1.5' x 5'. There was an existing walkway which was allowed for replacement and expansion of the patio area underneath the cantilever portion. However, there was a small gap where there wasn't an existing walkway area which has now expanded. All of these setbacks would be measured at 1' to the OHWM of Lac Courte Oreilles at the closest point. All other setbacks would be met. Variance requested as: All of the variance elements would be subject to the Section 6.1 Shoreland Setbacks of the Sawyer County Zoning Shoreland-Wetland protection ordinance would require the prior granting of a Variance for any new structures not within the existing footprint of the existing structures closer than 75'. This proposed request would be for an A-T-F Variance of a 1' shoreline setback for the elements previously described.

Kozlowski reads the reconsideration variance. Laura Rusk, Vice Chairperson is back on the Board. Mark Olson had resigned from BOA. Tiffany Recuses for lack of information. Gordon Christians is taking his place for this case. Discussion by Board. Kozlowski reads previous Motion from transcript. TJ Duffy, BOA attorney reminds Board to thoroughly discuss the case. Discussion by Board. Motion by Gerber to permit the Variance, second by Dobalis. Discussion by Board. Roll call finds: Dobalis – yes, Rusk – no, Kelsey – yes, Christians – yes, Gerber – yes. 4 to 1 in favor. There is no harm to public interest, neighbors or wildlife. There are rain gardens installed. It is a unique property with size. There would be more harm if removed. It would be a hardship to rebuild.

NEW BUSINESS

1) Kozlowski explains that the DNR is requesting in writing from the Board a letter for their input regarding Shoreland matters. Discussion by Board. Kozlowski will have it on the June agenda under discussion/action.

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

ADJOURNMENT

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

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



Sawyer County Zoning & Conservation Department

10610 Main Street, Suite 49

Hayward, WI 54843

jay.kozlowski@sawyercountygov.org

Fax (715) 638-3277

(715) 634-8288

VARIANCE REQUEST STAFF REPORT

Applicant:

Craig Robert Longacre
16854W Maple Terrace Drive
Birchwood, WI 54817

Property Location:

Town of Edgewater, Sec 19, T37N, R09W, Parcel # 008-192-00-0600 Woodland Park Lot 6, Site
Address #16854W Maple Terrace Drive. 0.31 Acres. Zoned RR-1

Summary of Request:

The construction of a 24' x 24' (26' x 25' with eaves) attached garage and a 5' x 24' portion of an attached foyer onto an existing permitted primary dwelling. The proposed attached garage area and a portion of the foyer area is needing the variance approval. The attach garage would be 34' at the closest point to the centerline of traveled Maple Terrace Drive, a town road and 24' at the closest point to the road right-of-way. It should be noted that the traveled width of this Town Road is only 20' and is not located in the middle of the platted road right-of-way.

The applicant is requesting a variance from the Sawyer County Zoning Ordinance Section 4.21(3) for a reduced Town Road setback.

Project History/On-site Notes/Comments:

See attached inspection report completed by Jay Kozlowski.

As part of the onsite visit on 03/31/22 Jay Kozlowski measured out the setback distances and verified the measurements. The house has been constructed and was permitted under a reduced average setback allowance from the lakeshore setback. The variance that is now being requested is very similar to the 2019 variance request that was denied. The things to keep in mind and the things that differ between 2019 and present are as following:

-The house has now been constructed and an extensive amount of water diversion and infiltration basin(s) have been designed on the property to slow water movement down the hillside and also has been engineered and designed to be a treated impervious surface amount subject the Sawyer County Zoning Shoreland-Wetland Protection Ordinance Section 9.5. That is the engineer at NWBE designed the infiltration basin to specifically treat 765sq ft of roof surface area. When these provisions are met with the standards found in Section 9.5 that area is then excluded from the impervious surface calculations. With the proposed foyer

and garage area including the new house but excluding the treated area the impervious surface totals would be at approximately 14.7%.

-In 2019 it was somewhat unclear what the "true" centerline of Maple Terrace Drive was. The platted road width of Maple Terrace Drive (MTD) is a 32' wide right-of way. However, the centerline of traveled (or area where the blacktop is placed is not in the true center and is 6' closer to applicant's property. Per the ordinance requirements setbacks are measure to the centerline of the road but does not make the distinction between traveled centerline or platted centerline. For safety concerns and matters the Zoning Department often uses centerline of traveled for these setback purposes but in this case does lay cause to site limitations. There are also several other structures along this stretch of MTD that are closer than the requested 34' to the centerline of traveled.

-It was further described by the engineer and the applicant that in order to maintain site stability and a properly functioning water diversion system that the proposed foyer/garage area should be attached to the main dwelling otherwise there may be undermining into the back of the house or loss of water onto an adjacent property. The applicant has described this in more detail within their submitted comments.

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 _____, 2022.

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
Inspection Report**

Owner(s) Craig Robert Longacre (Bob Longacre) boblongacre1@gmail.com
 Address 2895 28 7/8 Street Birchwood, WI 54817
 Agent/Purchaser _____
 Address _____
 Bldr/Plber/CST _____
 Address _____

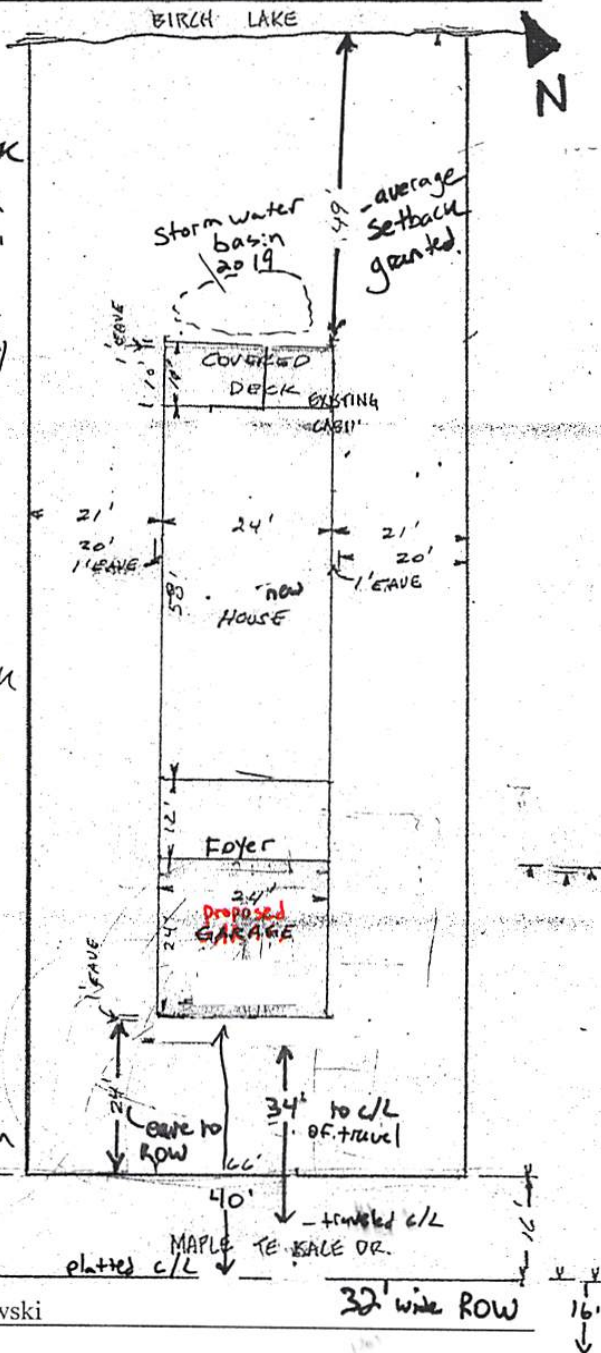
Inspection ☒ Private ☐ Public Violation ☒ Zoning ☐ Sanitation
☒ Dwelling ☐ Mobile Home ☐ Commercial ☒ Garage ☐ Addition
☐ Setback - Lake ☒ Setback - Road ☐ Setback - Lot Line ☐ Soils Verification
☒ Variance Required for reduced town road setback

WD#258724 0.31 acres RR-1 Woodland Park Lot 6 #16854W Maple Terrace Dr.

Lot(s) 6 Blk(s) _____ Subdivision WOODLAND PARK Town of EDGEWATER Govt Lot _____ 1/4 _____ 1/4 S 19 T 37 N R 09 W
 Computer # 008-192-00-0600 Parcel(s) -6.6

* Variance required for reduced Town road Setback to attached garage and portion of Foyer. Structure to be 24' to R.O.W of road. 40' to the centerline of Platted roadway and 34' to c/L of traveled. All measured to eave overhangs. If road was placed in correct spot it would only required 23' of relief for variance. to "traveled" centerline it would require 29' of a road Setback relief.

* Proposed impervious surfaces to be at 2756 sq ft. of which 765 sq ft has been engineered and designed to be treated up to 10 year, 24-hour rain event, with engineered treatment this is excluded from calculations bring imp sur down to 1991 sq ft or 14.7% Proposed



Discussed with Bob Longacre & Jay Kozlowski

Date & Time 03/31/22 11:30 AM

Signature of Inspector _____

[Handwritten Signature]

Variance Application # 22-001

Town of: Edgewater

Date of Public Hearing: June 21, 2022

Return Original

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

Email: Kathy.marks@sawyercountygov.org

Owner: Craig Robert Longacre

Address: 2895 28 7/8 St.

Birchwood, WI 54817

Phone: 715-651-2961

Email: _____ boblongacre1@gmail.com _____

Legacy PIN# 008-192-00-0600

Acreage: 0.31

Zoned: Residential Recreational One (RR1)

Property Description: Woodland Park Lot 6. S19, T39N, R09W. Site Address: 16854W Maple Terrace Drive.

Application for: The construction of a 24' x 24' (26' x 25' with eaves) attached garage and a 5' x 24' portion of an attached foyer onto an existing permit primary dwelling. The proposed attached garage area and a portion of the foyer area is needing the variance approval. The attach garage would be 34' at the closest point to the centerline of Maple Terrace Drive, a town road and 24' at the closest point to the road right-of-way. It should be noted that the traveled width of this Town Road is only 20' and is not located in the middle of the platted road right-of-way. (additional diagrams are included within the case file that further describe this)

Variance is requested as: Section 4.21(3) Setback Requirements on Highways and Roads, Sawyer County Zoning Ordinance, would require the prior granting of a variance for any structure located closer than 63' to the centerline of a Town Road or 30' from the right-of-way, whichever is greater. The centerline setback of the traveled roadway is greater.

***Please Print & Sign (Property Owner):**

Craig (Bob) R. Longacre
Lisa R Longacre

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

Name, Address, Phone & Email of

Agent:

Fee: \$750.00

Real Estate Sawyer County Property Listing

Today's Date: 5/6/2022

Property Status: **Current**

Created On: 2/6/2007 7:55:14 AM

**Description**

Updated: 1/25/2021

Tax ID:	7869
PIN:	57-008-2-37-09-19-5 15-124-000600
Legacy PIN:	008192000600
Map ID:	-6.6
Municipality:	(008) TOWN OF EDGEWATER
STR:	S19 T37N R09W
Description:	WOODLAND PARK LOT 6
Recorded Acres:	0.268
Calculated Acres:	0.310
Lottery Claims:	1
First Dollar:	Yes
Waterbody:	Birch Lake
Zoning:	(RR1) Residential/Recreational One
ESN:	430

**Tax Districts**

Updated: 2/6/2007

1	State of Wisconsin
57	Sawyer County
008	Town of Edgewater
650441	Birchwood School District
001700	Technical College

**Recorded Documents**

Updated: 1/25/2021

WARRANTY DEED	
Date Recorded: 1/13/1997	258724 595/49
NOTE	
Date Recorded:	

**Ownership**

Updated: 1/25/2021

CRAIG ROBERT LONGACRE	BIRCHWOOD WI
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Billing Address:

CRAIG ROBERT LONGACRE
16854W MAPLE TERRACE DR
BIRCHWOOD WI 54817

Mailing Address:

CRAIG ROBERT LONGACRE
16854W MAPLE TERRACE DR
BIRCHWOOD WI 54817

**Site Address** * indicates Private Road

16854W MAPLE TERRACE DR	BIRCHWOOD 54817
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**Property Assessment**

Updated: 6/28/2021

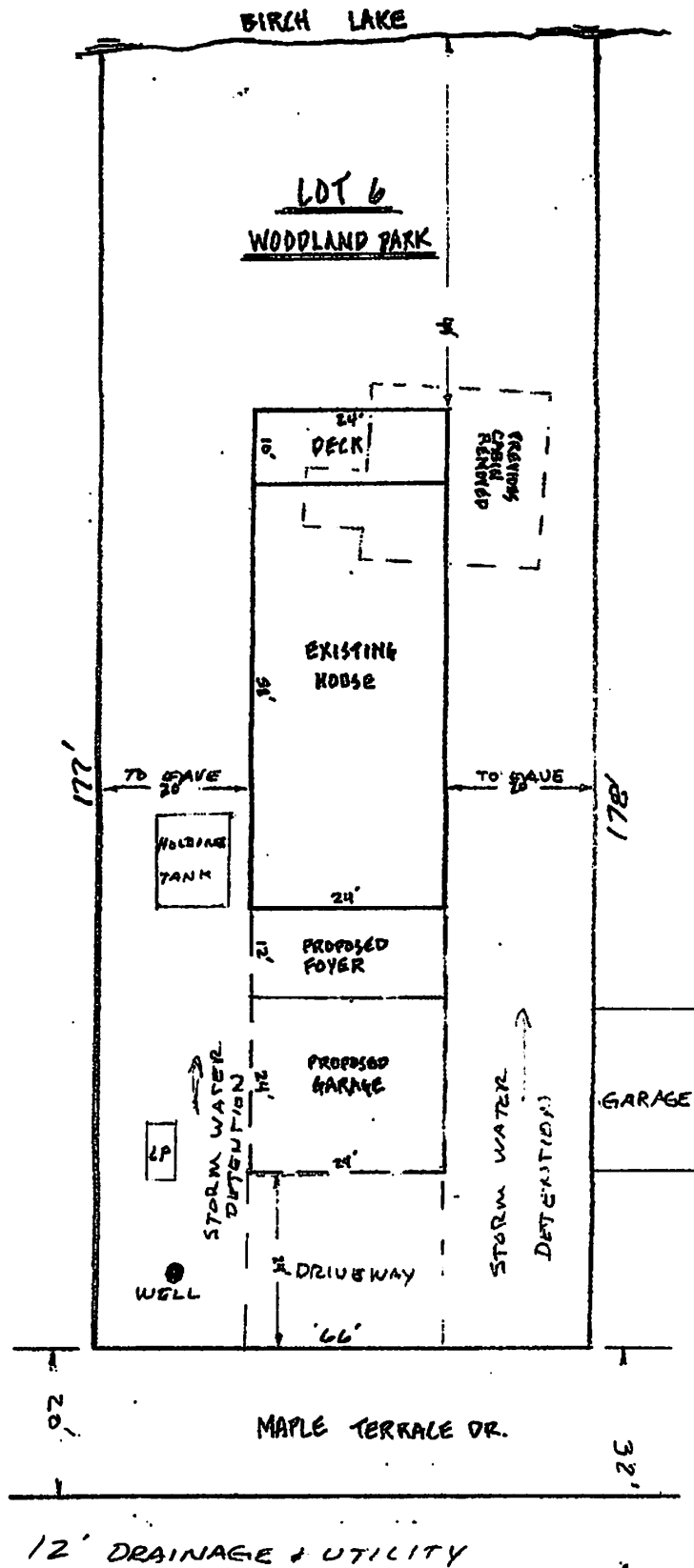
2022 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.268	62,100	134,600

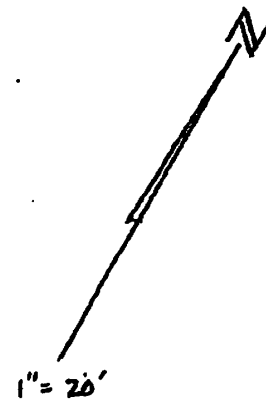
2-Year Comparison	2021	2022	Change
Land:	62,100	62,100	0.0%
Improved:	134,600	134,600	0.0%
Total:	196,700	196,700	0.0%

**Property History**

N/A



David F. Rieder
3-15-2022



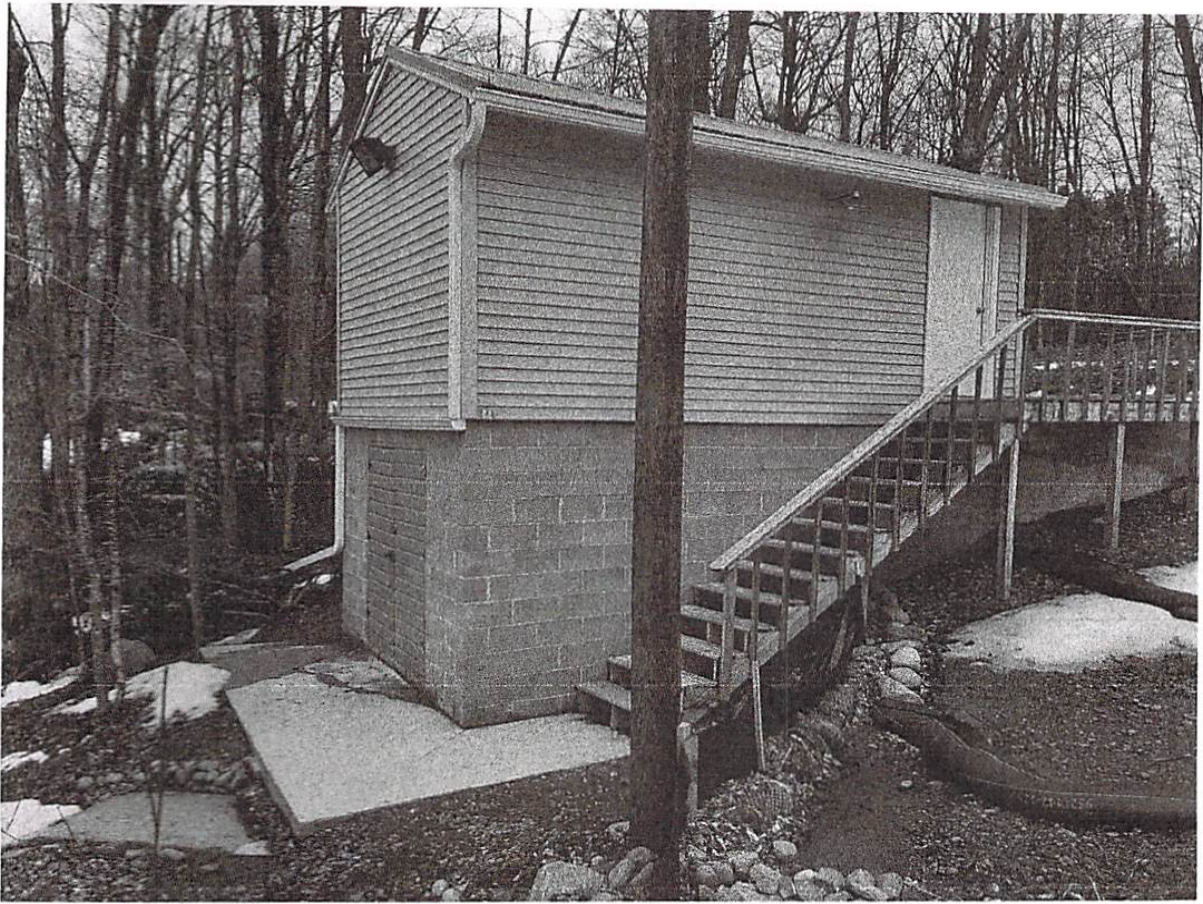


Exhibit 1
Neighbor to the East

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

Completed by Craig (Bob) R & Lisa R Longacre
(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.").

The property presently contains a full time residential house built in 2020. Due to the lot being a narrow 66' wide and very steep, as well as conforming to the setbacks from the water and sideyards we could only build a 1400 sq. ft., 1 bedroom house

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

The construction of a 24' x 24' (26' x 25' with eaves) attached garage and a 5' x 24' portion of an attached foyer onto an existing permit primary dwelling. The proposed attached garage area and a portion of the foyer area is needing the variance approval. The attach garage would be 34' at the closest point to the centerline of Maple Terrace Drive, a town road and 24' at the closest point to the road right-of-way. It should be noted that the traveled width of this Town Road is only 20' and is not located in the middle of the platted road right-of-way.

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.").

Due to the steepness of the lot, the current driveway is too steep to park vehicles on during the winter. Parking on a 20 ft wide road during the winter hinders snow removal and possibly emergency vehicles, as well as other people using the road. Us as well as visitors and package deliveries have had to deal with slippery/icy conditions. Even though we have taken preventative measures, there have been a couple falls.

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."

If a detached garage would be built, it would need to be in the center of the lot, like the house is. Exhibit 1 is a photo of the neighbor's garage to the east which has an elevated garage with a basement under it. The floor of the basement being at ground level, and approx.. 4 ft. below the floor of our house. Note that this garage recently had the entire block foundation and floor removed and replaced as well as, most of the cabin crawlspace block foundation. This side is also used for stormwater management.

Detached garages built on a steep hill have a tendency to gravitate downhill. The neighbor's garage to the West has gravitated downhill due to settlement See Exhibit 2

The West side of the lot contains the well, LP tank, and septic holding tank. This is the only location these could be put. This side is also used for stormwater management. A detached garage would need to be elevated and the distance between the back wall of the garage and the house would be very narrow. Managing any stormwater run off would be very difficult. See attached survey

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

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

Having a 20 ft. roadway and steep lot severely restricts any alternatives. A side load garage is not feasible due to the narrow and steep lot, as well as the neighbor's garage being elevated.

The only feasible location for a garage is in the center of the lot, due to reasons stated above. Per our architect, a 24' setback from the road is a reasonable distance for vehicle parking. A reasonable garage depth of 24', this would leave a distance of 12' from a garage to the house. With the difference in elevation of a garage floor and the house floor there are concerns about being able to address stormwater management which could cause erosion around the house and garage foundations. The back wall of the garage would have to be backfilled and sloped for stormwater management, as well as, frost protection of the footing. Exterior stairs during the winter months would be difficult.

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.”).

Exhibits 3 & 4 is correspondence from both neighbors stating they are pleased with our drainage efforts.

We have already taken many steps that have had a positive impact to both neighbors as well as the lake. All water stays on our property, where it previously did not. In working with Heather Harrington, Northern Wisconsin Based Engineers, all the stormwater run off on the property now drains into both sideyards and travels down to a detention pond under the lower deck. All gutters and downspouts are directed to this detention pond as well. With virgin ground we were able to build a larger detention pond than what was designed. The original design was calculated for water storage of future expansion of roof surface. All water in the detention pond percolates into the ground. There are two 4' x 4' x 6' deep holes dug, lined with permeable fabric and filled with 3" rock.

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.”).

Due to the lot being narrow at 66' and very steep, we have very few options as to how to improve and manage stormwater runoff. We are also dealing with a very narrow roadway of only 20 ft so to work within a 63 ft. setback is to say the least, very difficult. See attached survey.

☐ 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.

We are not aware of any adverse impact the proposed foyer/garage would have on public interest. As stated previously, not having vehicles parked on the road especially during the winter would only make it a safer road.

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.

Again having to park on the road during the winter months poses a hazard due to the narrow 20' roadway. Vehicles on the road creates obstacles for vehicles passing, especially oversized, such as Emergency vehicles, garbage trucks, propane trucks, etc. We as well as visitors have fallen on the driveway during icy conditions.

☐ No. A variance cannot be granted.



Exhibit 2
Neighbor to the West



Bob Longacre <boblongacre1@gmail.com>

Re: New Variance Application

1 message

Wilbur Scheibe <willyshybee@gmail.com>
To: Bob Longacre <boblongacre1@gmail.com>

Fri, Mar 11, 2022 at 8:10 PM

I would like to thank you for getting in touch with me about the water drainage, I was amazed to see how well your drainage system worked. Didn't have any water coming on my property! I appreciate all the effort you put into retaining the water on your property thank you!

Sent from my iPhone

> On Mar 10, 2022, at 10:06 AM, Bob Longacre <boblongacre1@gmail.com> wrote:

>

>

> Wilbur

> In starting the process of going back to Sawyer County for a garage variance in the next couple of months, we wanted to reach out to you regarding the work that has already gone on.

> All during last summer and fall our goal was to keep ALL of the water drainage contained within our property. Our observations were that with the ditching, check dams, curb logs, erosion control blanket and straw bales it appeared to us that all of the run off was directed to the detention pond under the lower deck. In working with our drainage engineer there is still some work to be completed the bottom of the pond. Last fall the engineer had their crew out to verify the location of the house on the property and the size of the detention pond. As we have stated from the beginning, we were going to meet or exceed the requirements of building on the lake. Our engineer has reported back that the house is located where it is supposed to be and the water storage capacity is 8 times larger than they designed.

> We are reaching out to you to see if your observations are the same, that no water is leaving our property in your direction? I think we can all agree that this reshaping of the area between us has greatly reduced the amount of water that was directed toward your cabin?

> We just want to be sure that when it comes to the county we are able to report that we are meeting our drainage requirements and that there are no conflicts.

> Bob and Lisa Longacre

> 715-651-2961

>

Exhibit 3



Bob Longacre <boblomgacre1@gmail.com>

Re: New Variance Application

1 message

B.R. (Dick) Darrah <info@bwdarrah.com>
To: Bob Longacre <boblomgacre1@gmail.com>

Sat, Feb 27, 2021 at 11:14 AM

Bob

Thanks for the heads up.

I know you have done your best to solve any water problems and if anything comes up in the future we can work together to solve it.

When you go for your garage variance we will not oppose it.

Thank you for your cooperation with Tom this past year and I hope he can complete our boathouse project early this Spring.

Dick

On February 27, 2021 10:18:59 AM CST, Bob Longacre <boblomgacre1@gmail.com> wrote:

In starting the process of going back to Sawyer County for a garage variance in the next couple of months, we wanted to reach out to you regarding the work that has already gone on.

All during last summer and fall our goal was to keep ALL of the water drainage contained within our property. Our observations were that with the ditching, check dams, curb logs, erosion control blanket and straw bales it appeared to us that all of the run off was directed to the detention pond under the lower deck. In working with our drainage engineer there is still some work to be completed the bottom of the pond. Last fall the engineer had their crew out to verify the location of the house on the property and the size of the detention pond. As we have stated from the beginning, we were going to meet or exceed the requirements of building on the lake. Our engineer has reported back that the house is located where it is supposed to be and the water storage capacity is 8 times larger than they designed.

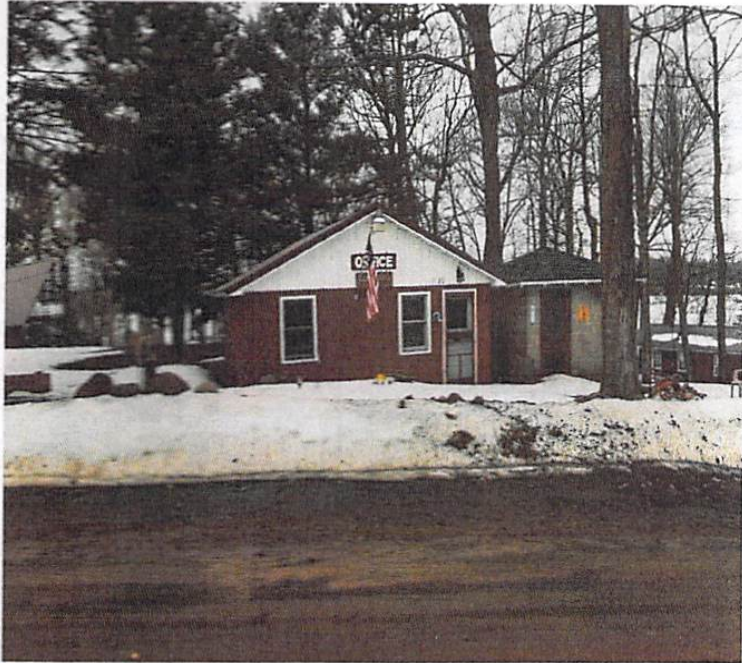
We are reaching out to you to see if your observations are the same, that no water is leaving our property in your direction? I think we can all agree that this reshaping of the area between us has greatly reduced the amount of water that was directed toward your cabin?

We just want to be sure that when it comes to the county we are able to report that we are meeting our drainage requirements and that there are no conflicts.

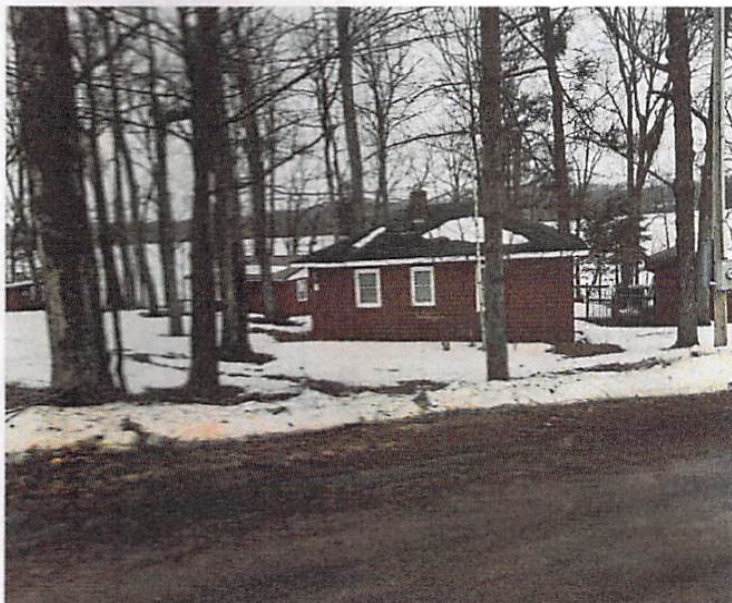
Bob and Lisa Longacre
715-651-2961

--
Sent from my Android device with K-9 Mail. Please excuse my brevity.

Exhibit 4



1120 Maple Terrace Dr
Maple Terrace Resort Office
38' to edge of blacktop
to eave



1122 Maple Terrace Dr
Cabin #1
Maple Terrace Resort
27' to edge of blacktop
to eave

Exhibit 7



16878 Maple Terrace Dr
46' to edge of
blacktop to eave



16874 Maple Terrace Dr
46' to edge of
blacktop to eave

Exhibit 8



Fire Box 16870W Exhibit
Maple Terrace Dr 9
21' edge of road to eave



Fire Box 16866W Exhibit
Maple Terrace Dr 10
12' edge of black top to
eave



Fire Box 16850W Exhibit
Maple Terrace Dr 11
25 1/2' Black top to eave



Fire Box 16802W Exhibit
Maple Terrace Dr. 12
16 1/2' edge of road to eave



Fire Box 16784W Exhibit
Maple Terrace Dr 13
19' black top to eave



Fire Box 16730W Exhibit
Maple Terrace Dr. 14
29' Black top to eave



Exhibit 13

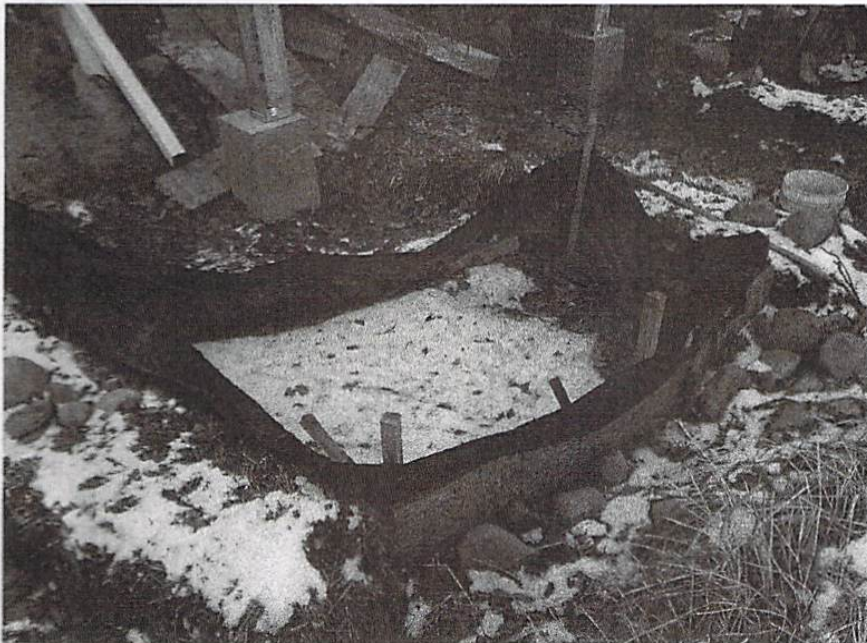


Exhibit 14



Exhibit 15



Exhibit 16



Exhibit 17

Sawyer County Application for Grading
10610 Main St. Suite 49
Hayward WI 54843
715/634-8288



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

Owner: <u>Craig R. Longacre</u>	Contractor: <u>Craig R. Longacre</u>
Mailing Address: <u>2895 287/8 St</u>	Mailing Address: <u>Same</u>
City, State, Zip: <u>Birchwood WI 54817</u>	City, State, Zip:
Phone: <u>715-651-2961</u>	Phone:
Email: <u>boblongacre1@gmail.com</u>	Email:

Site address: 16954th Maple Terrace Dr. Birchwood WI 54817

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

Determine width of disturbed site in feet: 66 ft. x depth of disturbed site in feet: 138 ft.
Total = 9,108 sq. ft. (this is the area calculation)
Determine Slope of disturbed area: Vertical height in feet 27 + Horizontal distance in feet 138 = Slope .196 X 100 = 19.6 % Slope
(1V/1H = Slope X 100 = Percent Slope)

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

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

Date activity will begin if permit is issued: May 18, 2020 date to be completed: Nov 1, 2020

Attach engineering design or complete the following using additional sheets:

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

Prior to Construction

1. Silt fence will be installed along the west and east property lines and parallel to the shoreline at approximate elevation 1240.0. (See Exhibit 1 for Silt Fence Details)
2. A single row of erosion bales will be installed immediately behind the silt fence at elevation 1240.0 to support the silt fence and create a +/-500 cf temporary sediment basin. (See Exhibit 2 for Erosion Bale Details).
3. Turbidity barrier (AKA Floating Silt Fence) will be installed in Birch Lake approximately 5 feet from the shoreline for the entire width of the lot. (See Exhibit 3 for Turbidity Barrier Details)
4. See Exhibit 7 - Erosion Control and Storm Water Management Plan for approximate erosion control device placement.

During Construction

1. All stockpiled material from disturbed areas that remain for longer than 10 days will be seeded with WisDOT temporary seed mix. (See Exhibit 4 for WisDOT Seeding Details)
2. Silt fence will be installed along the downslope toe of stockpiled material.

Post Construction

1. Slopes will be restored to approximately existing elevations.
2. All disturbed areas will be re-topsoiled with 4-inches of topsoil salvaged from the site.
3. All topsoiled areas will be seeded and fertilized. (See Exhibit 4 & 5 for WisDOT Seeding and Fertilizer Details)
4. Erosion Mat Class I, Type B Urban will be placed on all topsoiled areas. (See Exhibit 6 for Erosion Mat Details)
5. All temporary erosion control devices will be removed after the site has been stabilized.

Permit #

Town: Edgewater

Parcel #

008-192-00-0000

Owner: Longacre, Craig & Lisa

Issuing Agent:

Date: 5/13/2020

20-101

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

WisDOT Temporary Seed Mix @ 3lbs/1000sf

WisDOT Seed Mixture #20 @ 3lbs/sf (See Exhibit 4 WisDOT Seeding Details)

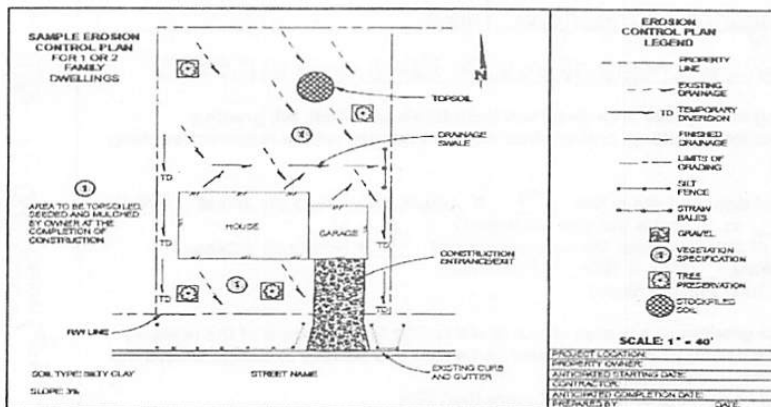
WisDOT Fertilizer Type B @ 7#/sf. (See Exhibit 5 for WisDOT Fertilizer Details)

Erosion Mat Class I, Type B Urban will be placed on all topsoiled areas. (See Exhibit 6 for Erosion Mat Details)

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

See Exhibit 7 - Erosion Control and Storm

Water Management Plan



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

See Exhibit 8 - Cross-Section View
of Project Area

Initial below

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

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

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

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

Permit Fee: \$100.00

Rev-1/2020

Exhibit #1

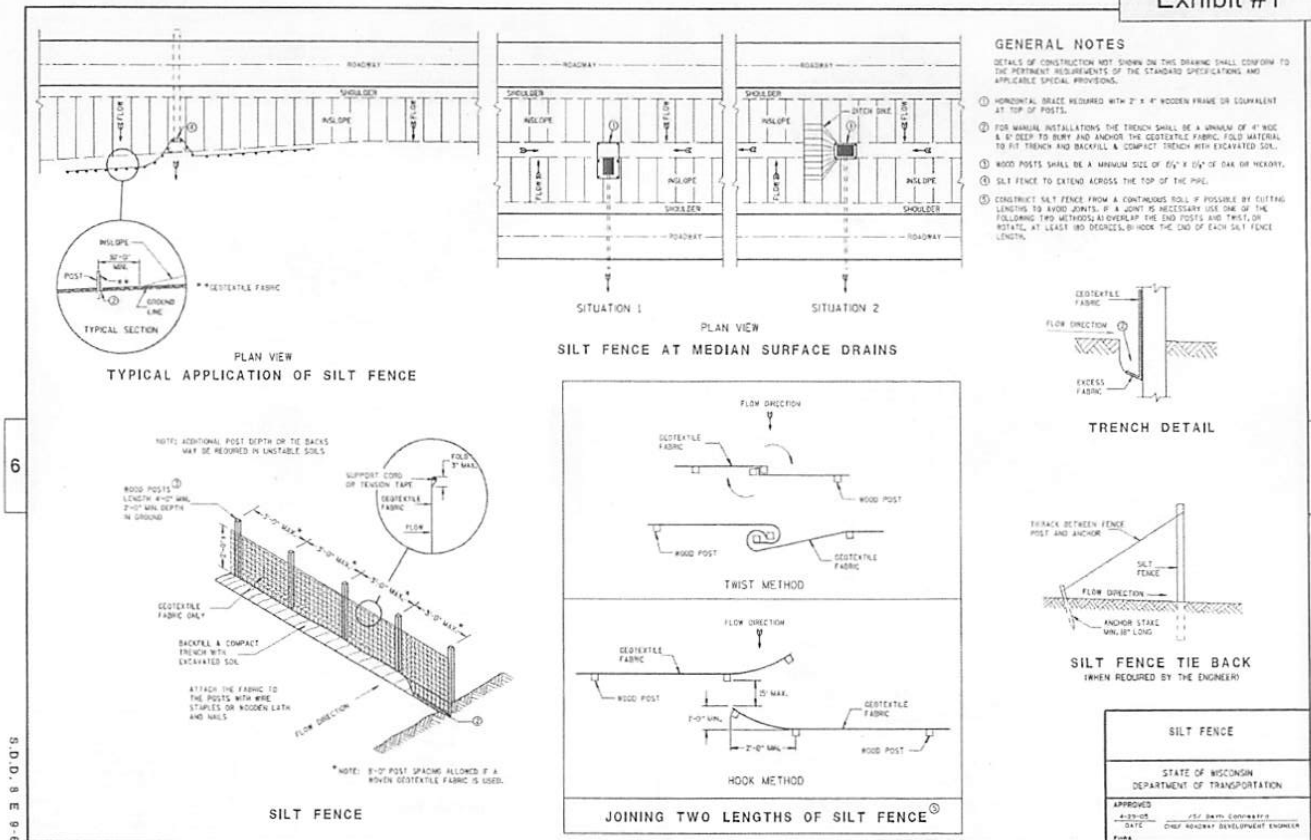
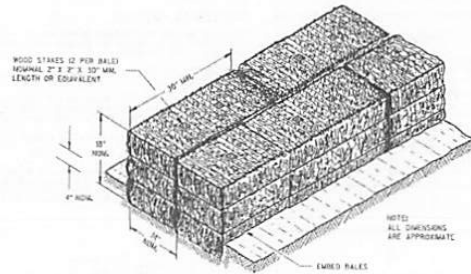
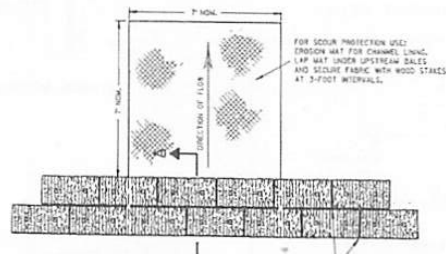


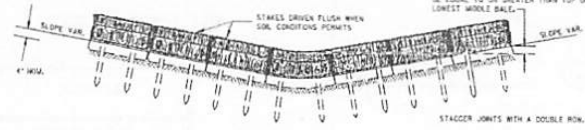
Exhibit #2



SECTION A-A



PLAN VIEW



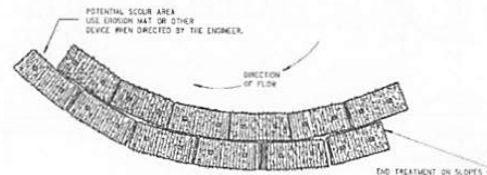
FRONT ELEVATION

TEMPORARY DITCH CHECK USING EROSION BALES ①

GENERAL NOTES

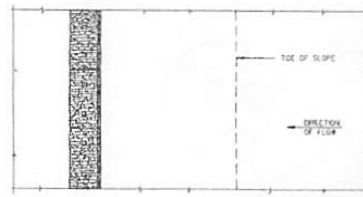
DETAILS OF CONSTRUCTION MATERIALS AND WORKMANSHIP NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS AND THE APPLICABLE SPECIAL PROVISIONS.

- ① TEMPORARY DITCH CHECKS EITHER EROSION BALES OR MANUFACTURED SHALL BE PAID FOR UNDER THE BID ITEM OF TEMPORARY DITCH CHECK. THE DEPARTMENT WILL NOT PAY FOR TEMPORARY DITCH CHECKS CONSTRUCTED OF A SINGLE ROW OF EROSION BALES.

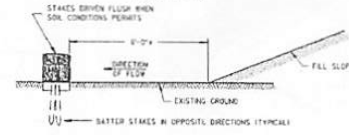


PLAN VIEW

WHEN ALTERING THE DIRECTION OF FLOW



PLAN VIEW



FRONT ELEVATION

WHEN EXISTING GROUND SLOPES AWAY FROM FILL SLOPE

EROSION BALES FOR SHEET FLOW

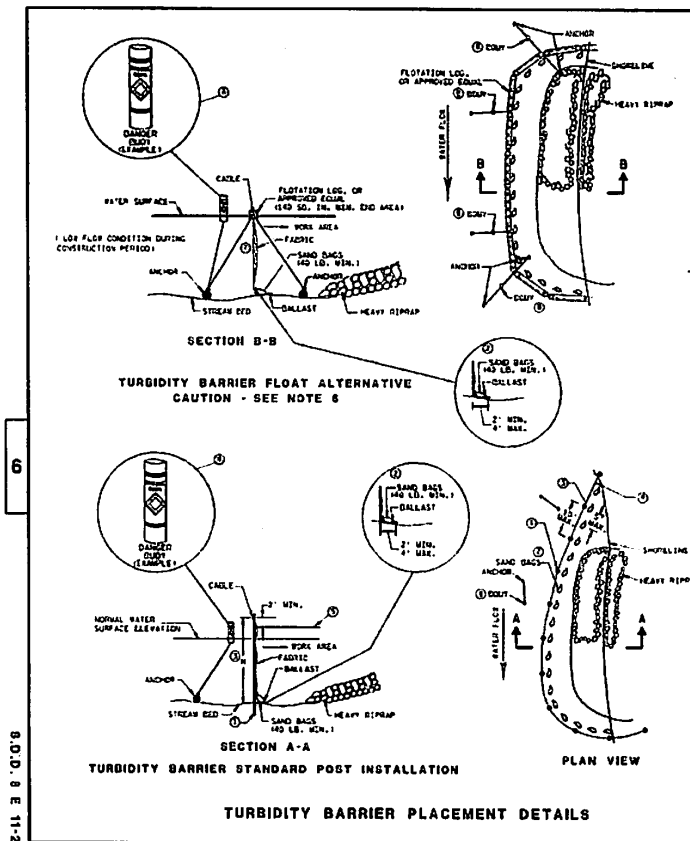
TYPICAL INSTALLATIONS OF EROSION BALES / TEMPORARY DITCH CHECKS

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

APPROVED
6/24/12
DATE
J.S. Smith, Director
CHIEF ROADWAY DEVELOPMENT ENGINEER

C-B-3-B-D-Q-S

Exhibit #3

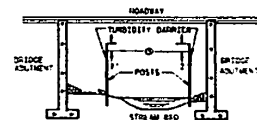
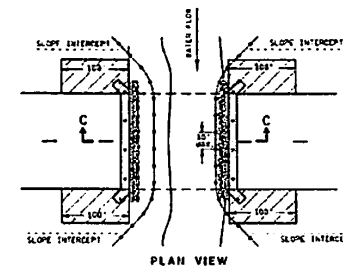


GENERAL NOTES

DETAILS OF CONSTRUCTION, MATERIALS AND WORKMANSHIP NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE PERTINENT REQUIREMENTS OF THE STANDARD SPECIFICATIONS AND THE APPLICABLE SPECIAL PROVISIONS.

TURBIDITY BARRIER MAY BE REMOVED AT THE ENGINEER'S DISCRETION, WHEN PERMANENT EROSION CONTROL MEASURES HAVE BEEN ESTABLISHED.

- ① DRIVEN STEEL POSTS, PIPES, OR CHANNELS. LENGTH SHALL BE SUFFICIENT TO SECURELY SUPPORT BARRIER AT HIGH WATER ELEVATIONS.
- ② SANDBAGS TO BE USED AS ADDITIONAL DALLAST WHEN ORDERED BY THE ENGINEER TO MEET ADVERSE FIELD CONDITIONS. SPACE AS APPROPRIATE FOR SITE CONDITIONS.
- ③ WHEN BARRIER HEIGHT, H, EXCEEDS 8 FT., POST SPACING MAY NEED TO BE DECREASED.
- ④ IN WATERWAYS SUBJECT TO FLUCTUATING WATER ELEVATIONS, PROVISIONS SHOULD BE MADE TO ALLOW THE WATER TO EQUALIZE ON EACH SIDE OF THE BARRIER. THIS MAY BE ACCOMPLISHED BY LEAVING A PORTION OF THE BARRIER OPEN ON THE UPSTREAM END.
- ⑤ ESTIMATED HIGH WATER ELEVATION DURING CONSTRUCTION PERIOD. NEUTRAL BARRIER HEIGHT SHALL BE 3' GREATER THAN EITHER THE SD ELEVATION OR THE ESTIMATED HIGH WATER ELEVATION DURING CONSTRUCTION, WHICHEVER IS GREATER.
- ⑥ FLOAT ALTERNATIVE WILL ONLY BE ALLOWED WITH WRITTEN APPROVAL OF THE ENGINEER, AND IS MEANT FOR LOCATIONS WHERE STD ROCK PREVENTS THE INSTALLATION OF POSTS.
- ⑦ ALLOW SUFFICIENT SLACK VERTICALLY AND HORIZONTALLY SO THAT SEDIMENT BUILD UP WILL NOT SEPARATE OR LOWER THE TURBIDITY BARRIER.
- ⑧ USE AS DIRECTED BY COAST GUARD OR OTHER PERMIT WHEN WORKING IN NAVIGABLE WATERWAYS.



TURBIDITY BARRIER DETAIL SHOWING TYPICAL PLACEMENT AT STRUCTURES

TURBIDITY BARRIER	
STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION	
APPROVED 6-28-84 DATE	BY: Ben Comstock CHIEF NEARBY DEVELOPMENT ENGINEER

S.D.D. 8 E 11-2

S.D.D. 8 E 11-2

Section 630 Seeding

630.1 Description

- (1) This section describes preparing seed beds and furnishing and sowing the required seed on slopes, appurtenances, and other areas, and on borrow pits and material disposal sites.
- (2) This section also describes furnishing and sowing temporary seed mixture on the slopes and appurtenances of temporary embankments and roadways.

630.2 Materials

630.2.1 Seed

630.2.1.1 General

- (1) Use seed within one year of the test date appearing on the label.
- (2) Seed mixtures 70, 70A, 75, and 80 contain wild type forbs and grasses. Wild type is defined as seed that is derived directly from native, wild stock, including seed that was wild collected and placed into production or has been harvested directly from native stands.

630.2.1.2 Purity and Germination

- (1) Test seed for purity, germination, and noxious weed seed content according to the Rules for Testing Seed, published by the Association of Official Seed Analysts.

Add 630.2.1.2(2) to define PLS and reference the CMM for sowing rate and measurement calculations.

- (2) Percent live seed (PLS) is determined by multiplying the percent purity times the percent germination. Determine sowing rate and measure mixtures containing PLS as described in CMM 6-40.3.4 to ensure the correct quantity of viable seed of each species is applied.

630.2.1.3 Inoculation

- (1) Inoculate legume seed (white clover, red clover, alsike clover, partridge pea, purple prairie clover, Canada tick-trefoil, and lupine) unless pre-inoculated by the vendor. Follow the inoculation instructions that come with the culture purchases. If applying the seed according to method B, 630.3.3.3, treat seeds requiring inoculation with 5 times the quantity of inoculant recommended in the instructions.
- (2) Avoid exposure of the culture or inoculated seed to the sunlight; do not exceed 1/2 hour exposure.

630.2.1.4 Storing Seed

- (1) Store seed delivered before use in a way that protects it from damage by heat, moisture, rodents, or other causes. Discard and replace any previously tested and accepted seed that becomes damaged.

630.2.1.5 Seed Mixtures

630.2.1.5.1 Permanent

630.2.1.5.1.1 Composition

- (1) Seed mixtures for the right-of-way and easements shall, unless specified otherwise, be composed of seeds of the purity, germination, and proportions, by weight, as given in table 630-1 and table 630-2.
- (2) Use seed of the species and varieties listed below. If no variety is listed, there will be no restriction on the variety furnished, except as follows:

1. Pure live seed (PLS) species shall contain no named or improved varieties and be grown in Wisconsin, northern Illinois, northeastern Iowa, or eastern Minnesota. Use out-of-state seed grown in one of the following counties:

1.1 From northern Illinois:

Boone	Bureau	Carroll	Cook	De Kalb	Du Page	Grundy	Henry
Jo Daviess	Kane	Kendall	Lake	La Salle	Lee	McHenry	Ogle
Putnam	Rock Island	Stevenson	Whiteside	Will	Winnebago		

1.2 From northeastern Iowa:

Allamakee	Benton	Black Hawk	Bremer	Buchanan	Cedar	Chickasaw	Clayton
Clinton	Delaware	Dubuque	Fayette	Floyd	Howard	Jackson	Johnson
Jones	Linn	Mitchell	Muscatine	Scott	Winneshiek		

1.3 From eastern Minnesota:

Aitkin	Anoka	Carlton	Carver	Chisago	Dakota	Dodge	Fillmore
Goodhue	Hennepin	Houston	Isanti	Kanabec	La Sueur	Miller	Mower
Olmsted	Pine	Ramsey	Rice	Scott	Sherburne	Steele	Wabasha
Washington	Winona	Wright					

2. PLS for seed mixtures 70, 70A, 75, and 80 shall be packaged separately by species and clearly labeled with the vendor's name, species common and botanical names, gross weight, percent PLS, year of harvest and any specialized treatments that have been applied to ensure or enhance germination.
3. Minimum percent purity for native for species is 90 percent. If a listed species is not available, substitutions may be made with engineer's approval and must be documented.
- (3) Mix native species on the project; clean and debeard seed with awns or excessive hairs before mixing.

SPECIES COMMON NAME	SPECIES BOTANICAL NAME	ACCEPTABLE VARIETIES
Kentucky Bluegrass	Poa pratensis	Low Maintenance
Red Fescue	Festuca rubra	Creeping
Hard Fescue	Festuca ovina var. duriuscula	Improved
Tall Fescue	Festuca arundinacea	Improved turf type
Salt Grass	Puccinella distans	Fult's
	Puccinella distans	Salty
Redtop	Agrostis alba	
Timothy	Phleum pratense	
Canada Wild Rye	Elymus canadensis	
Perennial Ryegrass	Lolium perenne	
Perennial Ryegrass	Lolium perenne	Improved Fine
Annual Ryegrass	Lolium multiflorum	
Alsike Clover	Trifolium hybridum	
Red Clover	Trifolium pratense	
White Clover	Trifolium repens	
Japanese Millet	Echinochloa crusgalli var. frumentacea	
Annual Oats	Avena sativa	
Agricultural Rye	Secale cereale	
Winter Wheat	Triticum aestivum	

Revise table 630-1 to require more red fescue and less perennial ryegrass to promote germination.

TABLE 630-1 HIGHWAY SEED MIXTURES							
SPECIES	PURITY minimum %	GERMINATION minimum %	MIXTURE PROPORTIONS (in percent)				
			NO.10	NO.20	NO.30	NO.40	NO.60
Kentucky Bluegrass	98	85	40	6	10	35	
Red Fescue	97	85	25	15	30	30	
Hard Fescue	97	85		24	25	20	
Tall Fescue	98	85		40			
Salt Grass	98	85			15		
Redtop	92	85	5				
Timothy	98	90					12
Canada Wild Rye		PLS					10
Perennial Ryegrass	97	90	20	15			
Improved Fine Perennial Ryegrass	96	85			20	15	
Annual Ryegrass	97	90					30
Alsike Clover	97	90					4
Red Clover	98	90					4
White Clover	95	90	10				
Japanese Millet	97	85					20
Annual Oats ⁽¹⁾	98	90					20

⁽¹⁾ Substitute winter wheat for annual oats in fall plantings started after September 1.

TABLE 630-2 NATIVE SEED MIXTURES

	SPECIES	SPECIES BOTANICAL NAME	PURITY & GERMINATION minimum %	MIXTURE PROPORTIONS in percent			
				NO. 70	NO. 70A	NO. 75	NO. 80
FORBES	Canada Anemone	<i>Anemone canadensis</i>	PLS	2			
	Butterflyweed	<i>Asclepias tuberosa</i>	PLS		2		
	New England Aster	<i>Aster novae-angliae</i>	PLS	2	2		
	Partridge-pea	<i>Chamaecrista (Cassia) fasciculata</i>	PLS		2		
	Purple Prairie Clover	<i>Dalea (Petalostemum) purpurea</i>	PLS	2	2	4	
	Canada Tick-trefoil	<i>Desmodium canadense</i>	PLS	2			
	Flowering Spurge	<i>Euphorbia corollata</i>	PLS		2		
	Wild Geranium	<i>Geranium maculatum</i>	PLS	2			
	Western Sunflower	<i>Helianthus occidentalis</i>	PLS	3	2		
	Rough Blazingstar	<i>Liatris aspera</i>	PLS		2		
	Prairie Blazingstar	<i>Liatris pycnostachya</i>	PLS	2			
	Lupine	<i>Lupinus perennis</i>	PLS		3		
	Wild Bergamot	<i>Monarda fistulosa</i>	PLS	2			
	Horse Mint	<i>Monarda punctata</i>	PLS		2		
	Yellow Coneflower	<i>Ratibida pinnata</i>	PLS	2	2		
	Blackeyed Susan	<i>Rudbeckia hirta</i>	PLS			1	
	Showy Goldenrod	<i>Solidago speciosa</i>	PLS	2	2		
	Spiderwort	<i>Tradescantia ohimensis</i>	PLS	2	2		
	Golden Alexanders	<i>Zizia aurea</i>	PLS	2			
GRASSES	Big Bluestem	<i>Andropogon gerardi</i>	PLS	15	15	10	
	Sidecats Grama	<i>Bouteloua curtipendula</i>	PLS	15	20	20	25
	Canada Wildrye	<i>Elymus Canadensis</i>	PLS	15	15	35	23
	Slender Wheatgrass	<i>Elymus trachycaulus</i>	PLS				20
	Junegrass	<i>Koeleria macrantha</i>	PLS		5		
	Annual Ryegrass	<i>Lolium multiflorum</i>	⁽¹⁾			10	10
	Switchgrass	<i>Panicum virgatum</i>	PLS				10
	Salt Grass	<i>Puccinella distans</i>	⁽¹⁾				2
	Little Bluestem	<i>Schizachyrium (Andropogon) scoparium</i>	PLS	15	20	10	10
	Indiangrass	<i>Sorghastrum nutans</i>	PLS	15		10	
ALTERNATE FORBES	Sky Blue Aster	<i>Aster azureus</i>	PLS	⁽²⁾	⁽²⁾		
	White Wild Indigo	<i>Baptisia leucantha</i>	PLS	⁽²⁾	⁽²⁾		
	Pale Purple Coneflower	<i>Echinacea pallida</i>	PLS	⁽²⁾	⁽²⁾		
	White Prairie Clover	<i>Petalostemum candidum</i>	PLS	⁽²⁾	⁽²⁾		
	Stiff Goldenrod	<i>Solidago rigida</i>	PLS	⁽²⁾	⁽²⁾		
	Hoary Vervain	<i>Verbena stricta</i>	PLS	⁽²⁾	⁽²⁾		

⁽¹⁾ Provide the minimum purity and germination specified in table 630-1.

⁽²⁾ The contractor may, if the engineer approves, substitute an alternate forb for a required forb that is not available using the same percentage as specified for the required forb. Use a different alternate forb for each unavailable required forb. Provide documentation showing that a required forb is not available before using an alternate.

630.2.1.5.1.2 Mixture

- (1) Use seed mixtures that meet with the engineer's approval and conform to the following:
- No. 10 where average loam, heavy clay, or moist soils predominate.
 - No. 20 where light, dry, well-drained, sandy, or gravelly soils predominate and for all high cut and fill slopes generally exceeding 6 to 8 feet, except where using No. 70.
 - No. 10 or 20 on all ditches, inslopes, median areas, and low fills, except where using No. 30 or 70.
 - No. 30 for medians and on slopes or ditches generally within 15 feet of the shoulder where a salt-tolerant turf is preferred.
 - No. 40 in urban or other areas where a lawn type turf is preferred.
 - No. 60 only on areas, the contract designates or the engineer specifies. Use it as a cover seeding for newly graded wet areas or as a nurse crop for specified wetland seed mixtures. The contractor shall not apply it to flooded areas.
 - Nos. 70 and 70A on slopes and upland areas the contract designates or the engineer specifies. Use seed mixture No. 70 on loamy soils and seed mixture No. 70A on sandy soils.
 - No. 75 where native grasses are desired for erosion control.
 - No. 80 on inslopes where a salt tolerant seed mix containing native grasses is desired.

630.2.1.5.2 Temporary

- (1) Under the Seeding Temporary bid item, use a temporary seed as follows:

SPECIES	% MINIMUM PURITY	% MINIMUM GERMINATION
Annual Oats	98	90
Agricultural Rye	97	85
Winter Wheat	95	90

- (2) Use oats in spring and summer plantings. Use winter wheat or rye for fall plantings started after September 1.

630.2.1.5.3 Nurse Crop

- (1) If seeding bare soil with either mixture 70, 70A, 75, or 80, include the Seeding Nurse Crop as follows:

SPECIES	% MINIMUM PURITY	% MINIMUM GERMINATION
Annual Oats	98	90
Annual Ryegrass	97	90
Winter Wheat	95	90

- (2) When a nurse crop is required for spring seeding before June 15, or if the engineer allows seeding between June 15 and October 15, use annual oats. For fall seeding after October 15, use winter wheat, or annual ryegrass.

Delete 630.2.1.5.1.4 because all disturbed areas now use the same seed. Add 630.2.2 to specify water for seeding.

630.2.2 Water

- (1) Furnish clean water, free of impurities or substances that might injure the seed.

630.3 Construction

630.3.1 General

- (1) Perform seeding when and as the engineer directs or allows. Provide protective cover within 24 hours after sowing. The engineer may direct or allow covering with mulch as specified in 627, erosion mat as specified in 628, or using other contract bid items.
- (2) If using Nos. 60, 70 and 70A mixtures, do not seed between June 15 and October 15 unless the engineer allows.

630.3.2 Seed Bed Preparation

- (1) Complete grading, shouldering, topsoiling, and fertilizing, if part of the work under contract, before permanent seeding, except the contractor may place the fertilizer and seed mixture in one operation if using equipment designed for the purpose.
- (2) Just before seeding, work the area being seeded with discs, harrows, or other appropriate equipment to obtain a reasonably even and loose seedbed. Place topsoil as specified in 625.3.3.

630.3.3 Sowing Methods

630.3.3.1 General

- (1) Select the method of sowing from either method A, method B, method C, or an appropriate combination of methods A, B, and C. Obtain the engineer's approval for the sowing method and specific procedures used for each seed mixture used before sowing that mixture.

630.3.3.2 Method A

- (1) Sow the selected seed mixture using equipment adapted to the purpose, or by scattering it uniformly over the areas to be seeded. Lightly rake or drag to cover the seed with approximately 1/4 inch of soil. After seeding, lightly roll or compact the areas using suitable equipment, preferably the cultipacker type, when the engineer judges the seedbed too loose, or if the seedbed contains clods that might reduce seed germination. The contractor shall not roll slopes steeper than 1:3.
- (2) If scattering seed by hand, perform this work with satisfactory hand seeders and only when the air is calm enough to prevent seeds from blowing away.

630.3.3.3 Method B

- (1) Sow or spread the seed upon the prepared bed using a stream or spray of water under pressure and operated from an engineer-approved machine designed for that purpose. Place the selected seed mixture and water into a tank, provided within the machine, in sufficient quantities that when spraying the seed on a given area it is uniformly spread at the required application rate. During this process, keep the tank contents stirred or agitated to provide uniform distribution. Spread the tank contents within one hour after adding the seed to the tank. The engineer will reject seed that remains mixed with the water for longer than one hour. The engineer will not require dragging or rolling.

630.3.3.4 Method C

- (1) For spring seeding of seed mixtures 70 and 70A into existing ground cover, mow existing vegetation to 4 inches or less in height 2 to 4 weeks before seeding. Ten to 14 days after mowing, spray with vegetation control herbicide conforming to 632.2.12.
- (2) For fall seeding of seed mixtures 70 and 70A into existing ground cover, mow existing vegetation to 4 inches or less in height 4 to 6 weeks before seeding. Ten to 14 days after mowing, spray with vegetation control herbicide conforming to 632.2.12. Retreat with vegetation control herbicide 10 to 14 days after initial application if live vegetation persists.
- (3) Seed with a rangeland type drill with one or more seed boxes that can be calibrated independently to deliver different sized seeds uniformly at the required rate and equipped with a rear-mounted press wheel for each seed drop tube. If seeding into existing vegetation or thatch, use a rangeland type drill equipped with a no-till attachment that can cut through the vegetation or thatch in front of the V disc and seed drop tube. If the configuration of the area to be seeded allows, apply seed at 1/2 the specified seed rate and apply the second 1/2 in a perpendicular direction.

630.3.4 Borrow Pits and Material Disposal Sites

- (1) Seed borrow pits and material disposal sites off the right-of-way. Consult with the landowner or the landowner's agent when selecting the seed mixture.

630.3.5 Seeding Rates

- (1) Use the following sowing rate for seeds in pounds per 1000 square feet:

- No. 10 at 1.5 pounds
- No. 20 at 3 pounds
- No. 30 at 2 pounds
- No. 40 at 2 pounds
- No. 60 at an equivalent seeding rate of 1.5 pounds^{1/1}
- No. 70 or 70A at 0.4 pounds
- No. 75 at an equivalent seeding rate of 0.7 pounds^{1/1}
- No. 80 at an equivalent seeding rate of 0.8 pounds^{1/1}
- Temporary seeding at 3 pounds
- Nurse crop seeding at 0.8 pounds

^{1/1} Determine the actual seeding rate by multiplying the equivalent seeding rate by the sum of the unadjusted and adjusted percentages of the various species in the seed mixtures as sown.

- (2) The unadjusted percentage equals the minimum percent of purity and germination specified in the table 630-1 and table 630-2.

- (3) Obtain the adjusted percentage for each of the PLS species by dividing the specified percentage of the species by the product of the percent of purity and the percent of germination for each of the PLS species as delivered.

Add 630.3.6 to specify water for seeding.

630.3.6 Watering

- (1) If rainfall is not sufficient, keep seeded areas thoroughly moist. Once the seed has germinated, do not let the top inch of soil dry out until the grass is well established. Maintain soil moisture for 30 days unless the engineer directs or allows otherwise. Apply water in a manner that precludes washing or erosion.

630.3.7 Establishment Period for Native Seeding

- (1) During the growing season after planting seed mixture 70 or 70A, mow all seeded areas twice as the engineer directs. Mow vegetation back to 6 inches when it has reached a height of at least 12 inches.

Revise 630.3.7 to add teasel and phragmites to the list of species requiring eradication.

- (2) During the growing season after planting seed mixture 70 or 70A, eradicate the following species from the seeded areas as soon as they become evident:

SPECIES COMMON NAME	SPECIES BOTANICAL NAME
Musk thistle	Carduus nutans
Spotted knapweed	Centaurea maculosa
Canada thistle	Cirsium arvense
Bull thistle	Cirsium vulgare
Field bindweed	Convolvulus arvensis
Leafy spurge	Euphorbia esula
Sweetclover	Medicago species
Wild parsnip	Pastinaca sativa
Teasel	Dipsacus species
Phragmites	Phragmites australis

- (3) Eradicate by hand pulling or by applying a vegetation control herbicide conforming to 632.2.12 to individual plants.

630.4 Measurement

630.4.1 Seeding

- (1) The department will measure the Seeding bid items by the equivalent pound acceptably completed, measured based on net weights of seed shipments or weighed on department-approved scales the contractor furnishes. The department will deduct quantities wasted or not actually incorporated in the work according to the contract. The department will determine the equivalent pounds of seed furnished and applied by dividing the actual pounds of seed applied by the sum of the unadjusted and adjusted percentages, determined as specified in 630.3.5, of the various species in the seed mixture sown.

630.4.2 Watering

- (1) The department will measure Seed Water by the 1000 gallons acceptably completed, measured as the volume indicated by engineer-approved meters or by the volume of tanks of known capacity.

630.5 Payment

Revise 630.5 to add the Seed Water bid item and specify separate payment for seed covering.

- (1) The department will pay for measured quantities at the contract unit price under the following bid items:

ITEM NUMBER	DESCRIPTION	UNIT
630.0100 - 0199	Seeding (mixture)	LB
630.0200	Seeding Temporary	LB
630.0300	Seeding Borrow Pit	LB
630.0400	Seeding Nurse Crop	LB
630.0500	Seed Water	MGAL

- (2) Payment for the Seeding bid items is full compensation for providing, handling, and storing all seed; for providing the required culture and inoculating seed as specified; and for preparing the seed bed, sowing, covering, and firming the seed. If the landowner does not want the pit or material disposal site

seeded, or seeded with any of the mixtures allowed, the department will not pay for fertilization or seeding of those areas.

(3) Payment for Seed Water is full compensation for watering seed.

(4) The department will pay separately for seed covering required under 630.3.1 as follows:

- Under the Mulching bid items as specified in 627.5.
- Under the Erosion Mat and Soil Stabilizer Type A bid items as specified in 628.5.
- Absent the appropriate bid items, as extra work.

Section 629 Fertilizer and Agricultural Limestone

629.1 Description

- (1) This section describes furnishing and incorporating fertilizing material in the soil on areas of proposed seeding or proposed sodding.
- (2) This section also describes furnishing and incorporating agricultural limestone in the soil.

629.2 Materials

629.2.1 Fertilizers

629.2.1.1 General

- (1) Use fertilizers for seeding, sodding, or other planting that are standard commercial packaged or bulk products in granular or liquid form conforming to Wisconsin statutes and the Wisconsin administrative code chapter ATPC 40. Ensure that each container of packaged fertilizer is plainly marked with the analysis of the contents showing minimum percentages of total nitrogen, available phosphoric acid, and soluble potash. If furnishing the fertilizer in bulk, include an invoice in each shipment indicating the minimum percentages of total nitrogen, available phosphoric acid, and soluble potash in the contents.

<http://docs.legis.wi.gov/statutes/statutes/>

http://docs.legis.wi.gov/code/admin_code/atcp/020/40.pdf

- (2) If using fertilizer with a total of nitrogen, phosphoric acid, and potash greater than 32 percent for type A or 50 percent for type B, apply them at a rate that provides equal nitrogen, phosphoric acid, and potash.

629.2.1.2 Type A

- (1) Type A fertilizer shall conform to the following minimum requirements:

Nitrogen, not less than	16%
Phosphoric Acid, not less than	6%
Potash, not less than	6%
- (2) The total of nitrogen, phosphoric acid, and potash shall equal at least 32 percent.
- (3) Total nitrogen shall at least equal the sum of the phosphoric acid and soluble potash.

629.2.1.3 Type B

- (1) Type B fertilizer shall conform to the following minimum requirements:

Nitrogen, not less than	16%
Phosphoric Acid, not less than	6%
Potash, not less than	24%
- (2) The total of nitrogen, phosphoric acid, and potash shall equal at least 50 percent.

629.2.2 Agricultural Limestone

- (1) Conform to chapter 94.66 of the Wisconsin statutes and of the Wisconsin administrative code chapter ATPC 41. Furnish limestone with a neutralizing index of not less than 40 or more than 109.

<http://docs.legis.wi.gov/statutes/statutes/94>

http://docs.legis.wi.gov/code/admin_code/atcp/020/41.pdf

- (2) Before using, furnish a statement to the engineer indicating the index zone or grade of the limestone for each deposit.

629.3 Construction

629.3.1 Fertilizer

629.3.1.1 General

- (1) Uniformly apply the fertilizer selected for the seeding areas and incorporate into the soil by light discing or harrowing. If applying granular fertilizer, ensure it is well pulverized and free from lumps.
- (2) If incorporating fertilizer into topsoiled areas, the contractor may apply it just before, and in conjunction with, final discing or harrowing, or if hand manipulating the topsoil, apply it just before final raking and leveling.
- (3) If placing fertilizer on surfaces with no topsoil, prepare the soil by discing or harrowing to at least 6 inches deep and then incorporate the fertilizer as specified above.
- (4) If sowing seeding areas by pressure sprayer, then fertilize by placing the required quantity of fertilizer in the tank, mixing with the water and the seed, agitating constantly, and apply during the seeding operation. If applying fertilizer this way then the department will not require discing and harrowing after placement.

- (5) If fertilizing areas to receive sod, spread the fertilizer uniformly over the soil before sodding at the rate specified below, and then work the fertilizer into the soil while preparing as specified for preparing the earth bed in 631.3.1.

- (6) If applying fertilizer for work specified under 632, then apply the fertilizer as specified in that section.

629.3.1.2 Type A

- (1) Apply fertilizer containing 32 percent total of nitrogen, phosphoric acid, and potash at 7 pounds per 1000 square feet, unless the contract specifies otherwise. For type A fertilizer that contains a different percentage of components, determine the new application rate by multiplying the specified rate by a dimensionless conversion factor determined as follows:

$$\text{Conversion Factor} = 32 / \text{New Percentage of Components}$$

629.3.1.3 Type B

- (1) Apply fertilizer containing 50 percent total of nitrogen, phosphoric acid, and potash at 7 pounds per 1000 square feet, unless the contract specifies otherwise. For type B fertilizer that contains a different percentage of components, determine the new application rate by multiplying the specified rate by a dimensionless conversion factor determined as follows:

$$\text{Conversion Factor} = 50 / \text{New Percentage of Components}$$

629.3.2 Agricultural Limestone Treatment

- (1) Unless the contract specifies otherwise, spread agricultural limestone over the contract-designated areas at a uniform rate, measured in pounds per 1000 square feet, as follows:

INDEX ZONES	40-49	50-59	60-69	70-79	80-89	90-99	100-109
RATE	140	120	100	90	80	70	60

- (2) To conveniently check the required application rate, the contractor may measure materials used on a volumetric basis, providing the conversion from weight to volume is determined from representative samples of materials used.
- (3) Incorporate the agricultural limestone with the required fertilizers into the soils in the designated areas. The construction requirements applicable to fertilizers shall apply to those materials also.

629.4 Measurement

- (1) The department will measure the Fertilizer bid items by the hundred pounds (CWT) acceptably completed, measured based on an application rate of 7 pounds per 1000 square feet. The department will not measure fertilizer used for the bid items under 632. The measured quantity equals the number of hundred-weight (CWT) of material determined by multiplying the actual number of cwt. of material incorporated by the ratio of the actual percentage of fertilizer components used to 32 percent for type A and to 50 percent for Type B.
- (2) The department will measure Agricultural Limestone Treatment by the ton acceptably completed, measured based on an application rate of 100 pounds per 1000 square feet and an index zone of 60-69. The measured quantity equals the number of tons of material determined by multiplying the actual number of tons of material incorporated by 100 and dividing by the application rate required for the index zone of the material used.

629.5 Payment

- (1) The department will pay for measured quantities at the contract unit price under the following bid items:

ITEM NUMBER	DESCRIPTION	UNIT
629.0200 - 0299	Fertilizer (type)	CWT
629.1100	Agricultural Limestone Treatment	TON

- (2) Payment for the Fertilizer bid items is full compensation for providing, hauling, placing, and incorporating in the work.

- (3) Payment for Agricultural Limestone Treatment is full compensation for furnishing, hauling, placing, and incorporating the required materials in the soil.



2. EROSION MAT –

General -

WisDOT defines "erosion mat" (Erosion Control Revegetative Mat, or ECRM) as a manufactured blanket or mat that is delivered to the work site in rolls or strips. These are for temporary erosion control during vegetation establishment. Turf Reinforcement Mats (TRM) are also classified in this category, and are for use as permanent root zone reinforcement under higher shear applications.

Classification and Primary Acceptance Criteria -

	Min. Thickness ¹ (in)	Max. C (cover) Factor ASTM D6459	Min. Perm. Shear (psf) ASTM D6460	Max. Slope	Channel use	Netting (Non, Single, Double, Any, TRM)	Organic/ Synthetic/ Either
CLASS 1							
Type A	0.25	0.10	1.0	2.5:1	No	Non or Single	Either
Type B	0.25	0.10	1.5	2.0:1	Yes	Double	Either
CLASS 1, URBAN							
Type A	0.38	0.20	1.0 ²	4:1	No	Any	Organic
Type B	0.38	0.10	1.0	2.5:1	No	Any	Organic
CLASS 2							
Type A	0.25	0.10	1.5	2:1	Yes	Single ³	Organic (Jute)
Type B	0.25	0.10	2.0	2:1	Yes	Any	Either
Type C	0.25	0.10	2.0	2:1	Yes	Any ⁴	Organic
CLASS 3							
Type A	0.25	0.10	2.0	2:1	Yes	Any	Either
Type B	0.4	0.20	2.0	2:1	Yes	TRM	Synthetic
Type C	0.7	0.20	3.5	2:1	Yes	TRM	Synthetic
Type D	0.7	0.20	5.0	1:1	Yes	TRM	Synthetic

1. Guideline; flexibility exists on this parameter depending on evaluation and test results
2. No minimum permissible shear for netted products
3. Sod reinforcement only
4. 1/2" max opening for woven

See FDM 10-5-35 and 10-10-15 for further information on applications:

<http://wisconsindot.gov/rdwy/fdm/fd-10-05.pdf>

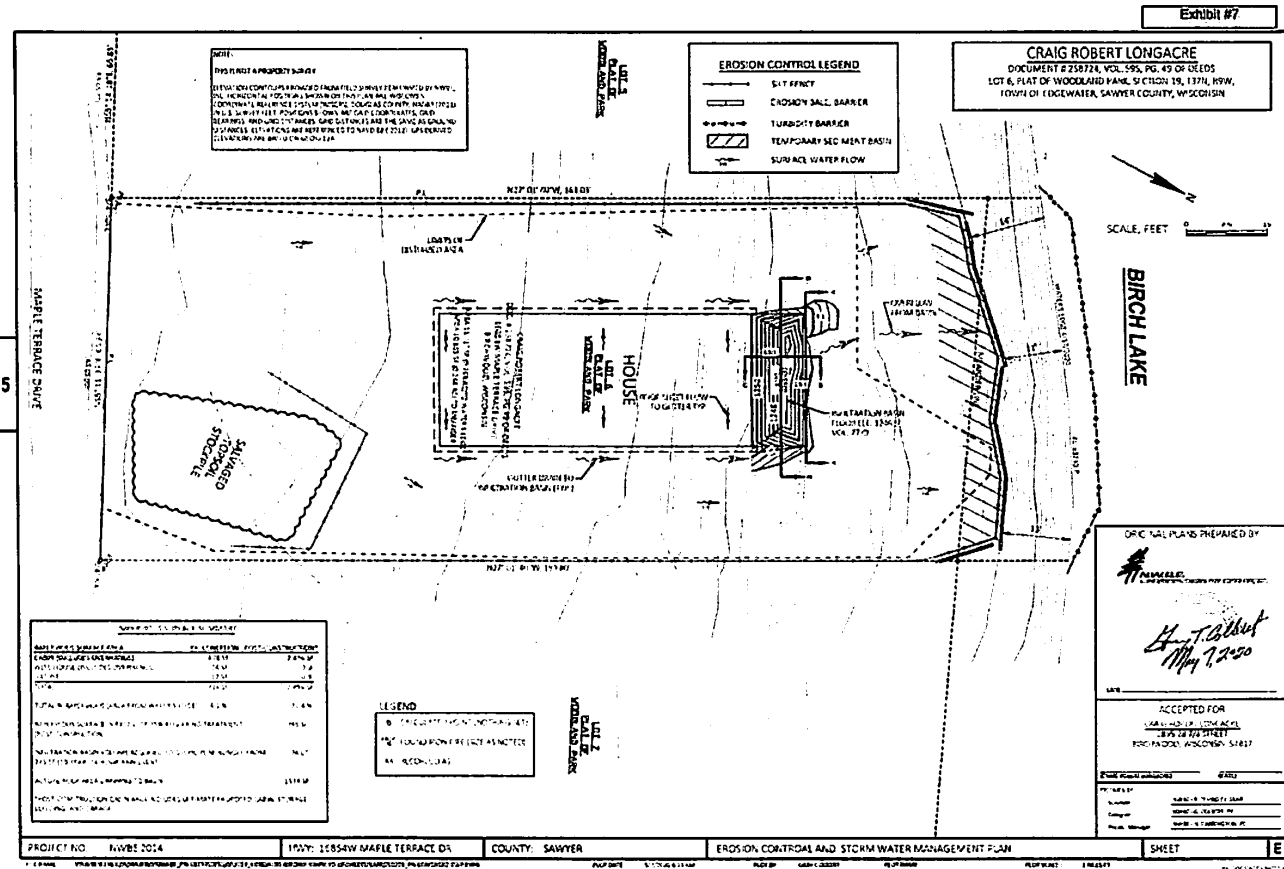
<http://wisconsindot.gov/rdwy/fdm/fd-10-10.pdf>



Additional Criteria -

- **Class 1 –**
 - Photo- or bio-degradable netting and stitching is allowed provided it can hold the parent material in place for at least 6 months, and is not used in installations after September 1 of a given year
 - Netting shall comprise no more than 15% of the total mat weight
 - Bonding of the netting and parent material shall be sufficient to prevent separation of the two components
 - Type B mats may be used in lieu of Type A at the contractor's option, with no additional cost to the Department
- **Class 1 Urban –**
 - Bonding of the netting and parent material shall be sufficient to prevent separation of the two components
 - Mat and installation shall be able to sustain moderate foot traffic without damage or presenting a safety hazard to pedestrians
 - Anchoring devices for Urban mats shall:
 - Be completely biodegradable per ASTM D6400 specification and D5338 testing
 - Contain no petroleum-based materials
 - Pose no soil or water contamination risk
 - Not be made of metal or solid wood
 - Maintain anchorage capacity for a minimum of 2 months and degrade substantially within 4 months with soil temperature above 53°F
 - Be barbed or shaped to enhance mechanical anchorage
 - Type B mats may be used in lieu of Type A at the contractor's option, with no additional cost to the Department
- **Class 2 –**
 - Netting shall comprise no more than 15% of the total mat weight
 - Bonding of the netting and parent material shall be sufficient to prevent separation of the two components
 - Type B mats may incorporate photo- or bio-degradable netting and stitching provided it can hold the parent material in place for at least 6 months, and are not used in installations after September 1 of a given year
 - Type C mats for use in environmentally sensitive areas where animal entrapment is a concern
 - Class 2 Types B & C shall have the following properties:
 - Maximum water absorption of 300% by weight per ASTM D1117
 - Maximum swell (wet thickness change) of 30% per ASTM D1777
 - Minimum lignin content equal to or greater than 33% per Klason method¹

¹ Technical Association of the Pulp and Paper Industry Test Method for Acid Insoluble Lignin in Wood Pulp, T222 om-98



2025 159,

2756 Proposed

13503

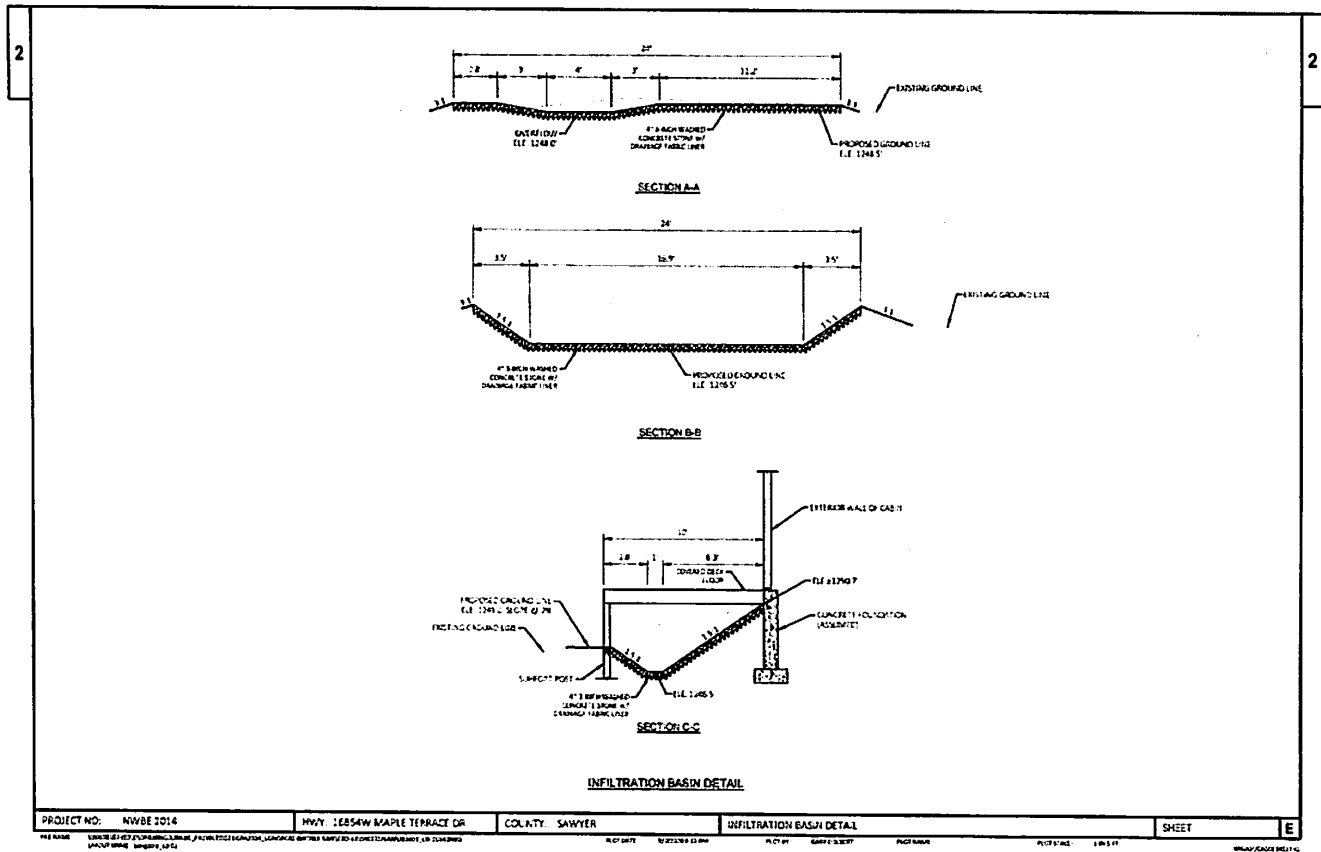
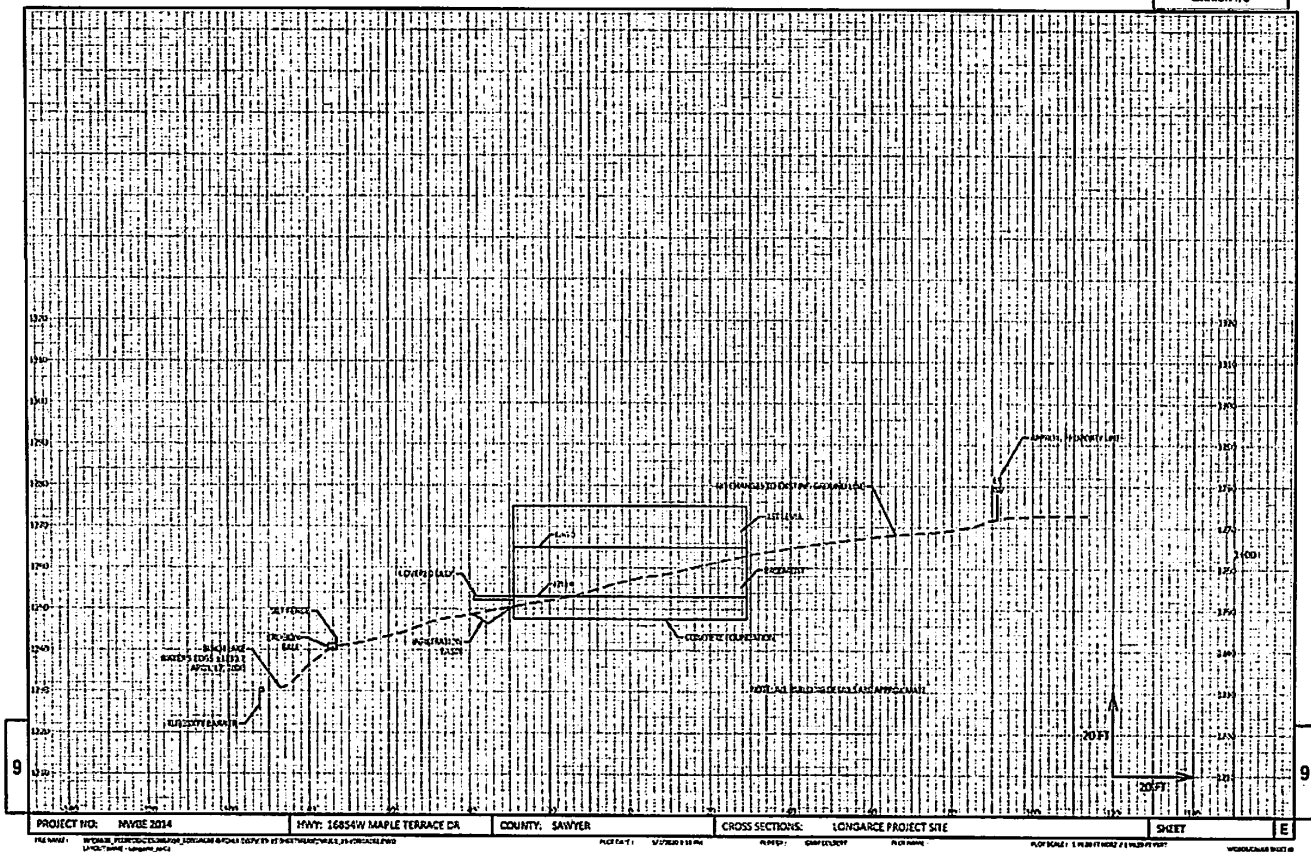


Exhibit #8



16854W Maple Terrace Drive on Big Birch Lake, Birchwood, Wisconsin
Long-term Storm Water Management/Maintenance Provisions

SITE NAME

16854W Maple Terrace Drive on Big Birch Lake.

SITE OWNER AND OWNER MAILING ADDRESS

C. Robert Longacre, 2895 28 7 8 St., Birchwood, WI, 54817.

PROPERTY LEGAL DESCRIPTION

Woodland Park Lot 6, Section 19, T. 37 North, R. 9 West, Town of Edgewater, Sawyer County, Wisconsin.

RESPONSIBLE PARTY

Mr. Longacre is responsible for satisfying the provisions of this agreement for the duration of the construction period. Upon completion of all construction phases, the landowner(s) of record shall be responsible for satisfying the provisions of this agreement.

PERMANENT COMPONENTS OF THE STORMWATER SYSTEM

The storm water system consists of the following infiltration device components: Roof gutter system draining into infiltration basin beneath deck on north (lake) side of house

INSPECTION AND MAINTENANCE

All components of the stormwater system shall be inspected at least semiannually in Spring and Autumn. Repairs will be made whenever the performance of a stormwater control structure is compromised. Accumulated silt and debris shall be removed from all storm water management devices (infiltration basins).

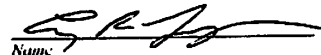
DUTY TO PROVIDE MAINTENANCE

In the event the landowner fails to perform its obligations under this agreement, the town of Edgewater shall have the authority to inspect and maintain all components of the stormwater system. In such an event, all associated costs will be assessed back as a special charge against the property pursuant to Sec. 66.0627 Wis. Stats. Said charge shall be a lien on the property and shall be collected with the real estate taxes.

SIGNATURES

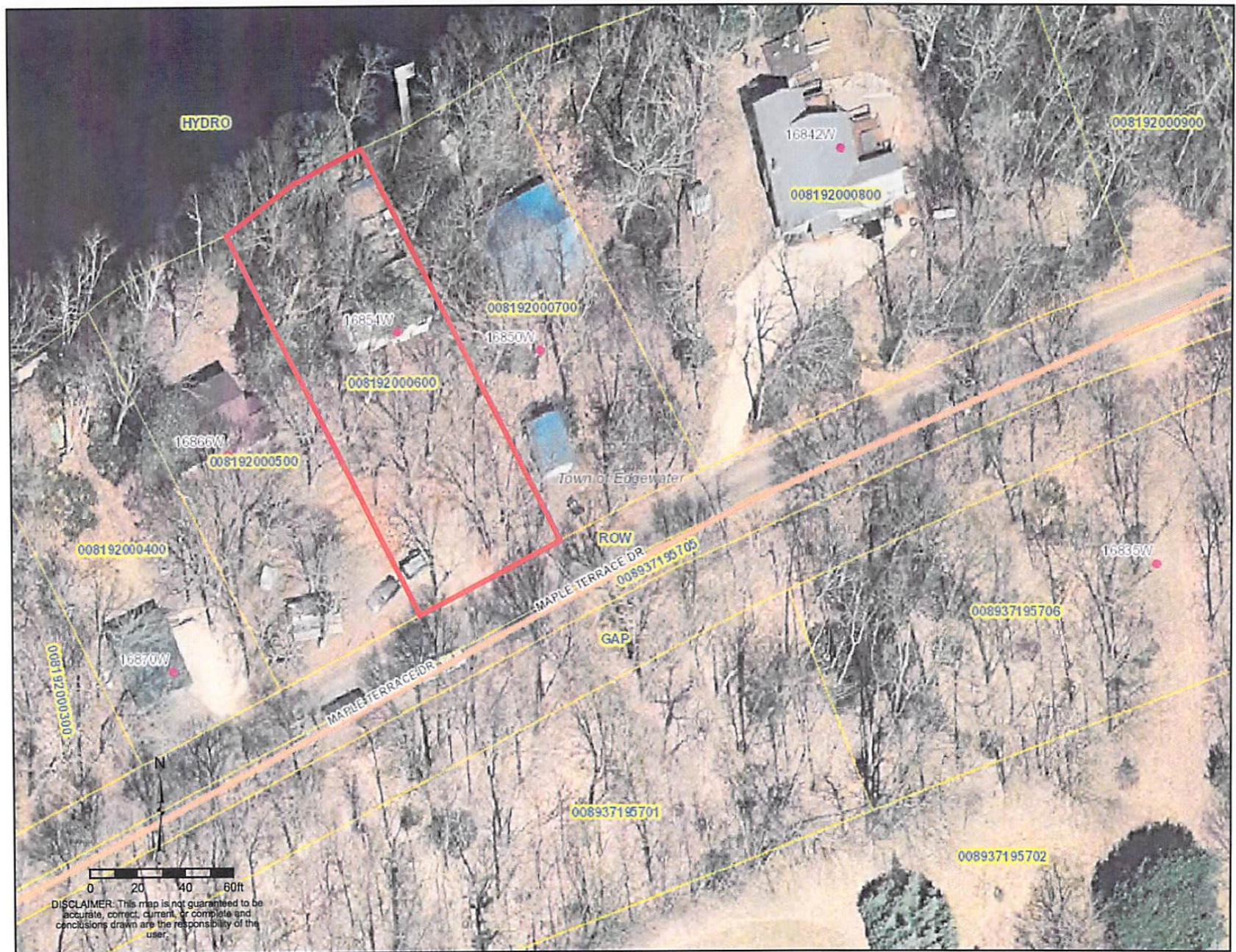
The undersigned agree to the provision set forth in this agreement.

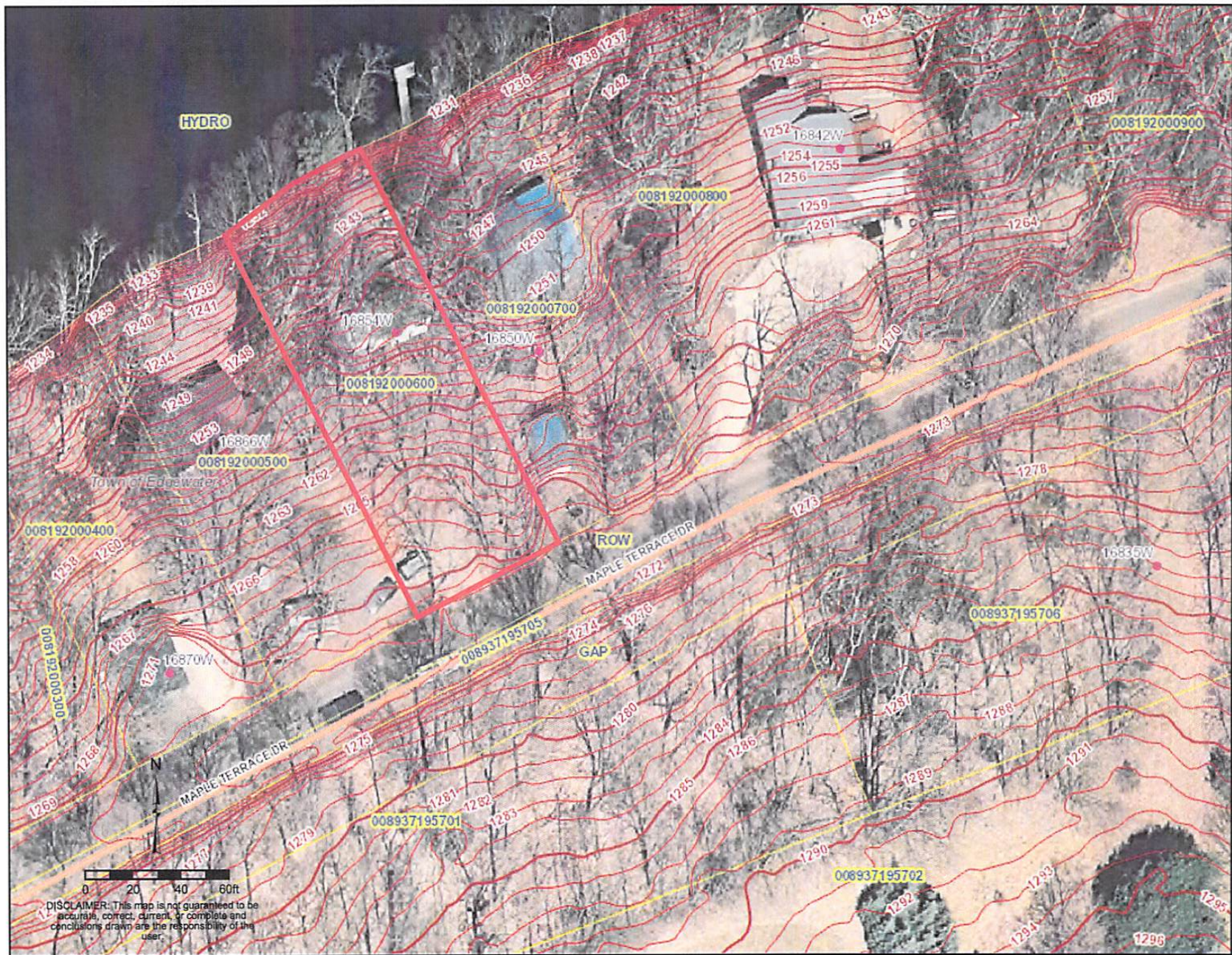
For the Landowner/Developer:


Name
Craig R. Longacre - owner
Printed Name, Title
5-8-20
Date

For the Town of Edgewater


Name
Pete Baciban Town chair
Printed Name, Title
5/8/20
Date







Surface Water Data Viewer Map



Legend

- Wetland Indicators
- Wetland Class Areas
- Wetland Class Points
 - Dammed pond
 - Excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
 - Filled excavated pond
- Filled Points
- Wetland Class Areas
- Filled Areas
- Wetland Identifications and Confirmations
- NRCS Wetspots
- Railroads
- Index to EN_Image_Basemap_Leaf_Off



0.1 0 0.03 0.1 Miles

NAD_1983_HARN_Wisconsin_TM

1: 1,980

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

Notes



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:

Acremk Trust

1721 38th Street

Somerset, WI 54025

Agent: Arthur Rutscher & Carol Kies

Property Location:

Town of Hayward. Part Govt Lot 2, Lots 1 & 2, CSM #1153; Sec 22 T40N R08W. Parcel #010-840-22-5203. 13.8 total acres zoned Forestry-One.

Summary of Request:

The applicant(s) are requesting a variance for the construction of a 30' x 60' accessory building with an attached 60' x 12' lean-to greenhouse. The proposed structure would meet all setbacks but would be the 2nd accessory structure on an adjacent parcel divided by a Public Roadway as per Section 4.26(2):

-
- 2) The construction of a single accessory structure on an adjacent parcel divided by a Public Roadway that does not contain the principal structure may be allowed under this subsection by Conditional Use provided that:
- a) the accessory structure cannot be constructed on that part of the parcel containing the principal structure due to the inability to meet minimum setbacks, and
 - b) lakefront parcels may be allowed an exemption from 4.26(2)(a) if Town and Zoning Committee determine in their Findings of Fact that placement of accessory structure on an adjacent parcel divided by a public roadway that does not contain the principal structure lessens the impact of impervious surface runoff to the lake, and
 - c) the proposed adjacent parcel is within 66' from the parcel containing the principal structure, and
 - d) the proposed adjacent parcel meets the minimum square footage requirements per current zone district standards and the proposed accessory structure meets all other Zoning Ordinance requirements and setbacks, and
 - e) a Conditional Use Permit may be approved by the Zoning Committee in any Zone District, provided that the Town has approved the Conditional Use for the placement of an accessory structure and both parcels are legally joined together (Deed Restriction) so they may not be sold separately unless approval by the Town and the Zoning Committee has been granted to

- f) separate the parcels. This process shall also be done by Conditional Use, and in a platted subdivision, the maximum size allowed is 1,200 square feet and maximum height is 18'.

This proposed request meets all of these requirements except this is the 2nd accessory structure now being requested.

Project History/On-site Notes/Comments:

Again, the applicant was approved a Conditional Use Permit (CUP) in 2017 for a 30' x 40' accessory structure and completed the project. This is now the 2nd request for an accessory structure across a public roadway from where the principal structure is located. This ordinance revision for accessory structures across a Town Road was amended in 2017 and this applicant was one of the first to apply for a CUP under the new ordinance standards.

There would be a small amount of buildable area on the side of lot where the principal dwelling is located but this area would put the proposed accessory structure must closer to the water and a major grading project would be required in this area. (see attached map)

This variance request is almost a hybrid of a "use" and "area" variance. The ability to place 2 accessory structures across a Town Road is not specifically allowed within the zoning ordinance. The ability to place 1 is allowed by a CUP but the 2nd building in that "area" across the road from where the primary dwelling would be located would only be allowed by variance. With that being said though they again are not needing any specific relief of any setback requirements and more particularly it is for the "use" of a 2nd accessory structure across the Town Road.

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):**

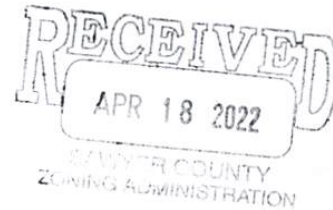
1. The _____ must be removed within _____ days
2. The applicant will allow agents of Sawyer County access to the property to ensure compliance with the terms of this decision, Sawyer County Codes, and State and Federal Laws.

(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.



Town of Hayward
County of Sawyer



Variance Application # 22-003

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

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

Owner: ACRCMK Trust : Arthur Rutscher + Carol Kies

Address: 13047W Indian Lake Rd Hayward

Phone number: 651-492-4981 E-mail address: Carol - 526 @ yahoo.com

Property

Description: Part of Government Lot 2 & lots 1 & 2 CSM 6176
#1153 13.8 acres 13047W Indian Lake Rd

Acreage: 13.8 Zone District: Forestry One

Application is for:

30x60 Pole Building with 12x60 lean to /
greenhouse

Variance is requested as:

Application for 2nd building. Subject to Sawyer
county zoning ordinance Section 4.26(2). This will be
the 2nd accessory structure across town road from where
principal dwelling is located.

Public Hearing Date: June 21, 2022

Other Information:

Signature of Agent(s)

Arthur Rutscher III
Signature of Owner(s)
Carol Kies

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) \$750.00

Current use of property and improvements:

The property contains a seasonal residence on the east side of Indian Lake Road with a detached garage on the west side of the road. Indian Lake Road divides the property such that approximately 3 acres are on the east (lake) side and 10 acres are on the west side of the road on rolling wooded land. Trees were professionally harvested from the west property as a shelterwoods in summer 2021. Most of the harvested area will be allowed to naturally reforest, but a portion will be cleared for a tree nursery and vegetable garden.

Variance requested

An additional 30 X 40 structure on the west side of Indian Lake Road for storage of equipment and personal property, with an attached greenhouse, 60 X 12, on the south side of structure. The purpose of the greenhouse is starting and growing perennials for a butterfly garden, and organic vegetables and fruit trees for personal use. Additionally, the greenhouse may be used to start and grow desirable trees for replanting in the area that has been recently logged to assure optimal regrowth of oaks and pines. A 40 X 12 lean-to connected to greenhouse is planned along the south side for storage of firewood to heat the home. Gutters on building will provide rainwater to be collected for irrigation of gardens. The storage structure is intended for personal use, not commercial storage.

Effects of property if not granted.

Inability to successfully raise vegetables and fruit trees to attempt self-sustainability for year round living. Potential regrowth of forest with undesirable flora. Inability to adequately protect personal property.

Alternatives considered

East side of road: The property has a steep hillside sloping directly into the lake starting nearly at the edge of the right of way for Indian Lake Road. Additional construction on the east side of the road would require cutting and destroying many trees on the embankment above the shoreline, and the potential for erosion and alteration of the shoreline could be dramatic.

Adding on to existing garage:

We cannot construct a greenhouse on south side of the existing garage because of lot line setbacks. The current garage was built as large as possible, and no further construction can be reasonably added as an addition into the embankment to the north.

Traffic on the road, which also serves as an ATV/UTV trail, can be dangerous because of hill and obstructed view when others are driving as we would have slow-moving vehicles from the garage to the top of the hill where access to the trees and vegetable, fruit and butterfly gardens will be.

If the variance is granted

There would be no impact on our property or adjacent. There is ample room for setbacks. The structure and gardens would be on top of the hill on the west side of the road on over 10 acres of property. There would be no impact on the lake or shoreline.

Unique property Limitations

The unique property issue is the steep bank from Indian Lake Road into Indian Lake, and steep banks on the west side of Indian Lake Road limiting access to the property.

[See] MAP of terrain

No harm to Public Interests

Safer to have the equipment adjacent to garden area and not to have it travel on the road.

Little or no risk of water run-off into the lake and no wetland will be disturbed.

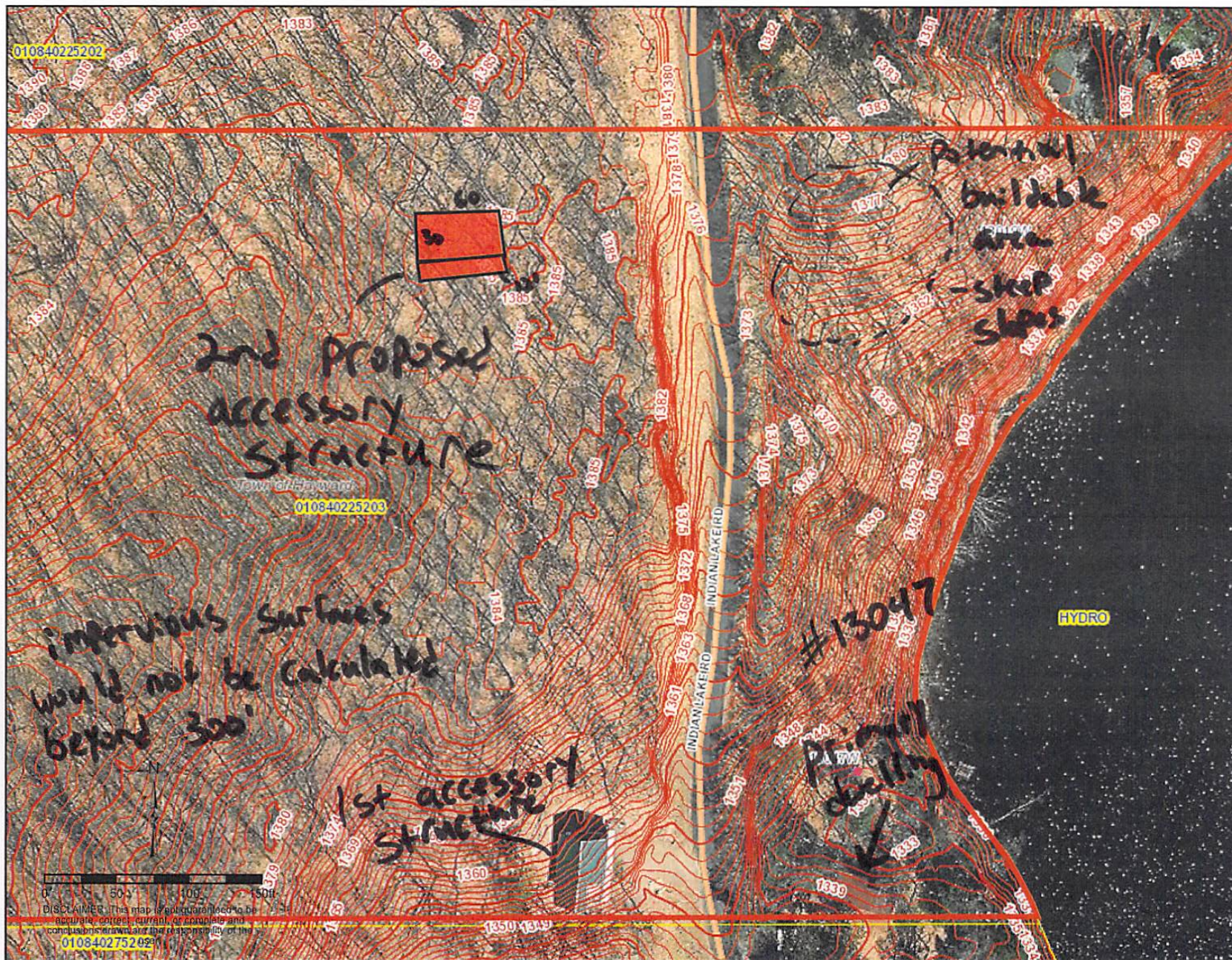
Structure would not be visible from the road.

Area has been logged and provides perfect setting for gardens and an accompanying structure

Unnecessary Hardship

At the time of construction of the existing garage we had not intended to become permanent residents of Hayward. This is now our intention.

Without the variance it would prevent the construction of a greenhouse and building to protect personal equipment used in cultivating and caring for trees and plants as well as other personal possessions. On the property, as a whole, it makes sense to build the additional structure near the tree nursery and gardens since the majority of the property is on the west side of the road. It is unnecessarily burdensome and unsafe to have to cross or travel along the road.



Real Estate Sawyer County Property Listing

Today's Date: 5/10/2022

Property Status: Current

Created On: 2/6/2007 7:55:19 AM



Description

Updated: 12/14/2015

Tax ID:	10693
PIN:	57-010-2-40-08-22-5 05-002-000030
Legacy PIN:	010840225203
Map ID:	:2.3
Municipality:	(010) TOWN OF HAYWARD
STR:	S22 T40N R08W
Description:	PRT GOVT LOT 2 & LOTS 1 & 2 CSM 6/76 #1153
Recorded Acres:	13.800
Calculated Acres:	13.648
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Indian Lake
Zoning:	(F-1) Forestry One
ESN:	446



Tax Districts

Updated: 2/6/2007

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



Recorded Documents

Updated: 10/30/2017

QUIT CLAIM DEED	
Date Recorded: 11/21/2013	388393
QUIT CLAIM DEED	
Date Recorded: 10/30/2017	409459
QUIT CLAIM DEED	
Date Recorded: 10/17/2017	409267
CORRECTION INSTRUMENT	
Date Recorded: 2/12/2013	383485
WARRANTY DEED	
Date Recorded: 12/31/2012	382699



Ownership

Updated: 1/6/2014

ACRCMK TRUST	SOMERSET WI
---------------------	-------------

Billing Address:

ARTHUR C RUTSCHER III
1721 38TH ST
SOMERSET WI 54025-7040

Mailing Address:

ARTHUR C RUTSCHER III
1721 38TH ST
SOMERSET WI 54025-7040



Site Address * indicates Private Road

13047W INDIAN LAKE RD	HAYWARD 54843
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Property Assessment

Updated: 7/9/2019

2022 Assessment Detail

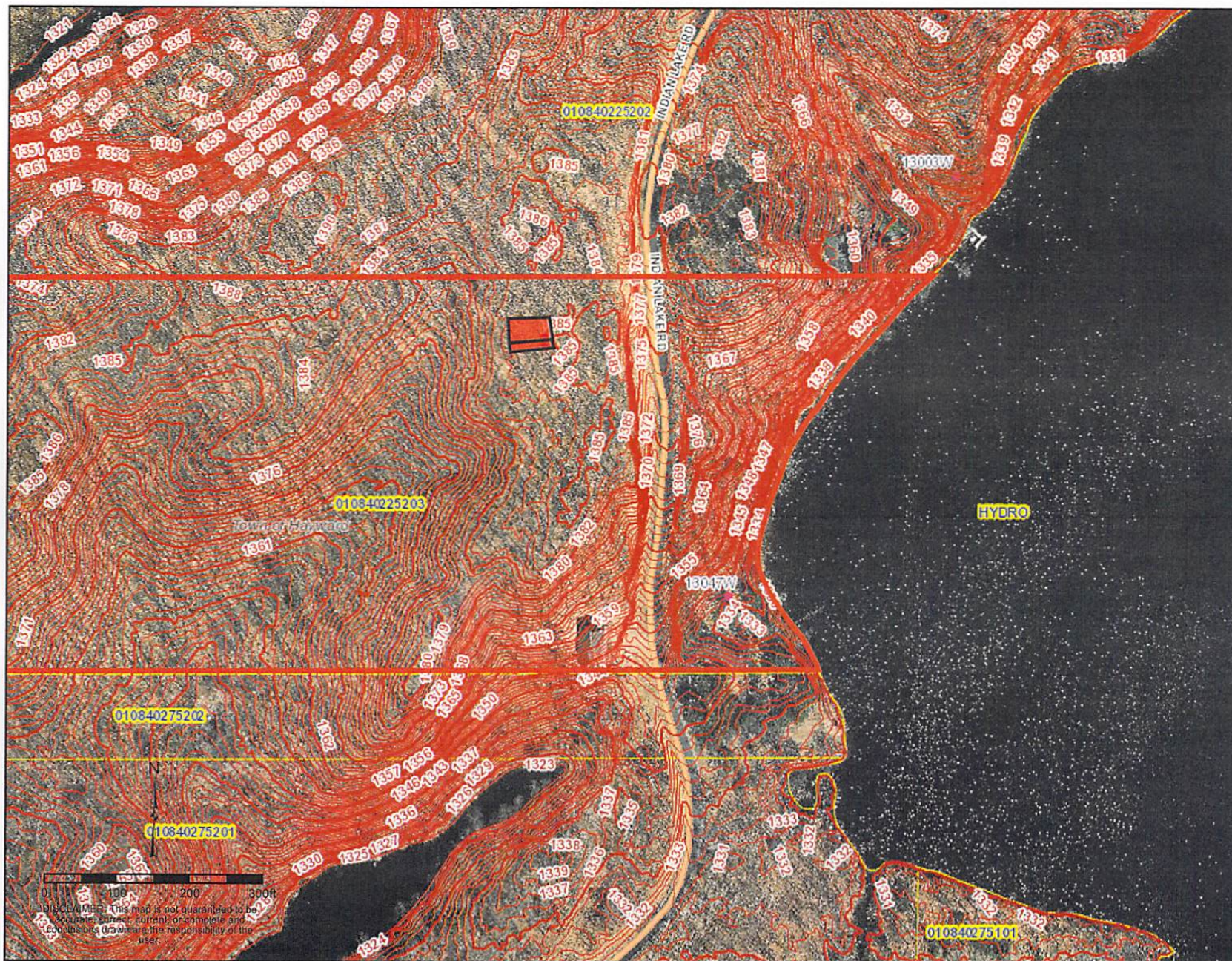
Code	Acres	Land	Imp.
G1-RESIDENTIAL	3.580	105,000	227,400
G6-PRODUCTIVE FOREST	10.220	20,400	0

2-Year Comparison	2021	2022	Change
Land:	125,400	125,400	0.0%
Improved:	227,400	227,400	0.0%
Total:	352,800	352,800	0.0%



Property History

N/A





~~Deputy~~

