



Sawyer County

Agenda

Zoning Board of Appeals Meeting

Tuesday, July 19, 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 & Statement of Hearing Notice
- c. Approval of June 21, 2022 Minutes
[6-21-2022 BOA Minutes](#)

3 - 4

3. VARIANCE APPLICATIONS

- a. A Public Hearing in the Town of Winter. VAR #22-004. Owner Margaret & Gary Hall. Part of Government Lot 3; S02, T39N, R05W; Parcel #032-539-02-5305; .22 total acres; Zoned Residential One (R-1). Application is for an 8' x 14' addition to rear of cabin to provide indoor plumbing and a covered entryway. Which will eliminate the outhouse. Variance requested as Section 6.1, of the Sawyer County Zoning Shoreland-Wetland Protection Ordinance, shoreland setbacks would require the prior granting of a Variance for any structure less than 75' to the OHWM. The proposed Variance is requesting a 60' setback to OHWM.
[VAR #22-004, Gary & Margaret Hall pkt.](#)

5 - 21

4. APPEALS

- a. None

5. NEW BUSINESS

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

6. ADJOURNMENT

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEALS
June 21, 2022**

Board of Appeals

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

Zoning Administration

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

PRELIMINARY MATTERS

1) Call to Order and Roll Call

Gerber called the Public Hearing before the Sawyer County Zoning Board of Appeals to order at 6:00 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll call finds present: Al Gerber, Laura Rusk-absent, Steve Kelsey, Dee Dobilas, James Tiffany and Gordon Christians. Brown and Marks are present from the Zoning Office.

2) Statement of Board and Hearing Procedures & Statement of Hearing Notice. Gerber reads the preliminary matters. 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) Approval of April 26, 2022 Minutes. Motion by Kelsey to approve the April 26, 2026 minutes as presented. Second by Dobalis. All in favor.

VARIANCE APPLICATION

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. Brown reads the application, staff report, Town opinion & Neighbor opinions. Craig Longacre, owner speaks in favor of the application, speaks of the history of the site and of the exhibits included in the packet. Discussion with Committee. Heather Harrington, engineer & designer storm water basin speaks in favor of the application and that it is a 10 year flood event and exceed capacity. Linda Zillmer, Edgewater property owner speaks in opposition of the application. No other comments. Discussion held. Linda Zillmer, Edgewater property owner speaks not against development but, non-conformity and must meet setbacks. No other discussion. Discussion held with Committee, Harrington and Brown. Motion by Christians to approve the variance application, second by Dobalis. No discussion. Vote finds 5 to 0 in favor. Findings of Fact: No other alternatives exist. The impacts of construction are being minimized by mitigation. A minimal relaxation of code is being granted. A permitted use is not possible on this property without a variance approval. The circumstances are beyond the control of the applicant, and are unique to the property not the applicant. The lot predates zoning regulations. The construction matches the lot and available area.

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. Brown reads the application, staff report, Town opinion and neighbor opinions. Carol Kies, owner speaks in favor of the application and needing another accessory building. A 60'x12'. Discussion with Board held. There will be no commercial use. Linda Zillmer, Edgewater property owner speaks of the F-1 district, principle structures and adding a 2nd accessory building across a Town road. Discussion by Board. Linda Zillmer, Edgewater property owner speaks of principle building. Discussion continues. Motion by Tiffany to accept the application as a 30'x40' or 30'x60' accessory building with conditions of a deed restriction for not subdividing the lot, must stay contiguous with a maximum of 2 outbuildings across the Town road. Lots 1 & 2 cannot be subdivided. Second by Gerber. Findings of Fact: It would not be damaging to the rights of others or property values. It is compatible with F-1 zone district. All in favor.

NEW BUSINESS

1) Board of Appeals opinion of Department of Natural Resources offering comments for shoreline zoning variance request. Brown explains that the DNR would like a signed letter to get opinions from regarding shoreland Land Use Permits. All members agree and sign letter.

2) Any other business that may come before the Board for discussion. Gerber informs that he may be gone for the meeting in September. Discussion held on how to run the BOA meeting. Gerber would like Marks to send the link of a Zoning Committee meeting and the Kurtzweil appeal.

ADJOURNMENT

Motion made by Christian to adjourn, second by Kelsey. All in favor. 7:30 pm

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator



Sawyer County Zoning & Conservation Department

10610 Main Street, Suite 49

Hayward, WI 54843

pat.brown@sawyercountygov.org

Fax (715) 638-3277

(715) 634-8288

VARIANCE REQUEST STAFF REPORT

Applicant:

Gary & Margaret Hall
783 badlands Rd
Hudson, WI 54016

Property Location:

7150 Malm Rd
Parcel # 032-539-02-5305

Summary of Request:

The applicant, Gary & Mary Hall, is requesting a 60' Ordinary High Water Mark (OHWM) variance to build a 8' x 14' addition to an existing cabin which is located 32' to the of Barber Lake at the closest point. All other setbacks would be met.

Project History:

This property has not been issued any recent permits that the county can locate for this property. The existing 28' x 24' cabin that presently existing on the property appears to have been built pre-zoning. Currently the cabin doesn't have any indoor plumbing and this addition would provide the space for that. If this variance is granted a proposed holding tank would be set and the existing privy would be removed.

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

On-site Notes/Comments:

See attached inspection report completed by Pat Brown.

As part of the onsite visit on 05/03/2022 Pat Brown helped the applicant, Gary & Mary Hall measure setbacks and stake out a spot for the proposed dwelling addition.

Hardship/Justification:

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

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

Board Decision Checklist:

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

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

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

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

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

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

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

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

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

1. The land owner has reasonable use already.
2. Cumulative impacts can be foreseen.
3. A self-imposed hardship cannot be grounds for an approval.
4. The Board concurs with the concerns expressed by _____
5. Other alternatives exist such as building in another location or building a smaller structure.
6. A loss of profit or inconvenience is not a hardship.

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

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

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

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

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

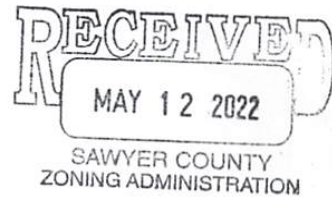
1. The _____ must be removed within _____ days
2. The applicant will allow agents of Sawyer County access to the property to ensure compliance with the terms of this decision, Sawyer County Codes, and State and Federal Laws.

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

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



Town of Winter
County of Sawyer



Variance Application # 22-004

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

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

Owner: Margaret E Gary Hall
Address: 7150 Malm Rd, Winter, WI

Mailing
Permanent address
713 BADLANDS RD
Hudson, WI 54016

Phone number: 715-808-1940 E-mail address: hallmaggie@hotmail.com

Property
Description: lakeshore, shared driveway, cabin is about
10' above shore line, assorted trees, PRT GOVT LOT 3, S02, T39N, R05W
PARCEL # 032-539-02-5305
Acreage: .22 Zone District: R-1

Application is for: 8'x14' addition to rear of cabin to provide
indoor plumbing and a covered entry way. Also to
eliminate an outhouse.

Variance is requested as: Section 6.1, Sawyer County Zoning Shoreland Wetland Protection
Ordinance, Shoreland Setbacks would require the first starting of a variance
if any setbacks less than 75' to the OHWM. The proposed variance
is requesting a 60' setback to OHWM.

Public Hearing Date: July 19, 2022
Other Information:

Signature of Agent(s)

Signature of Owner(s)

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 on-site inspection.
(January 2022) \$750.00

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

Completed by Margaret Hansen

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. SEE ATTACHED FOR ALL
Current use of your property & improvements - (e.g., "Property contains a residential home with a detached garage.").

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

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.").

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

- a) Alternatives you considered that will comply with existing standards. If you find such an alternative, you may move forward with this option with a regular permit. If you rejected compliant alternatives, provide the reasons that you rejected them.
(e.g., "Space is not available to expand in any other direction or location. House is too close to the side lot lines and the lake.")
- b) Alternatives you considered that require a lesser variance and reasons you rejected them.
(e.g., "Addition is the minimum size that is required.").

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

(e.g., "Erosion during construction – will be controlled with silt fencing.

After construction there will be a greater impervious surface area. Gutters and

downspouts will be used to divert water away from other properties and the lake.

Shoreline buffer zone will be planted with native vegetation, trees and shrubs.").

Part 2: Three-Step Test.

To qualify for your requested variance, you must demonstrate that your property meets the following three requirements. *This is known as the "three-step test."*

1) Unique Property Limitations.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors or the Town Board do not provide a basis for granting a variance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

☐ Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives considered.

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

☐ No. A variance cannot be granted.

2) No Harm to Public Interests.

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

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

3) Unnecessary Hardship.

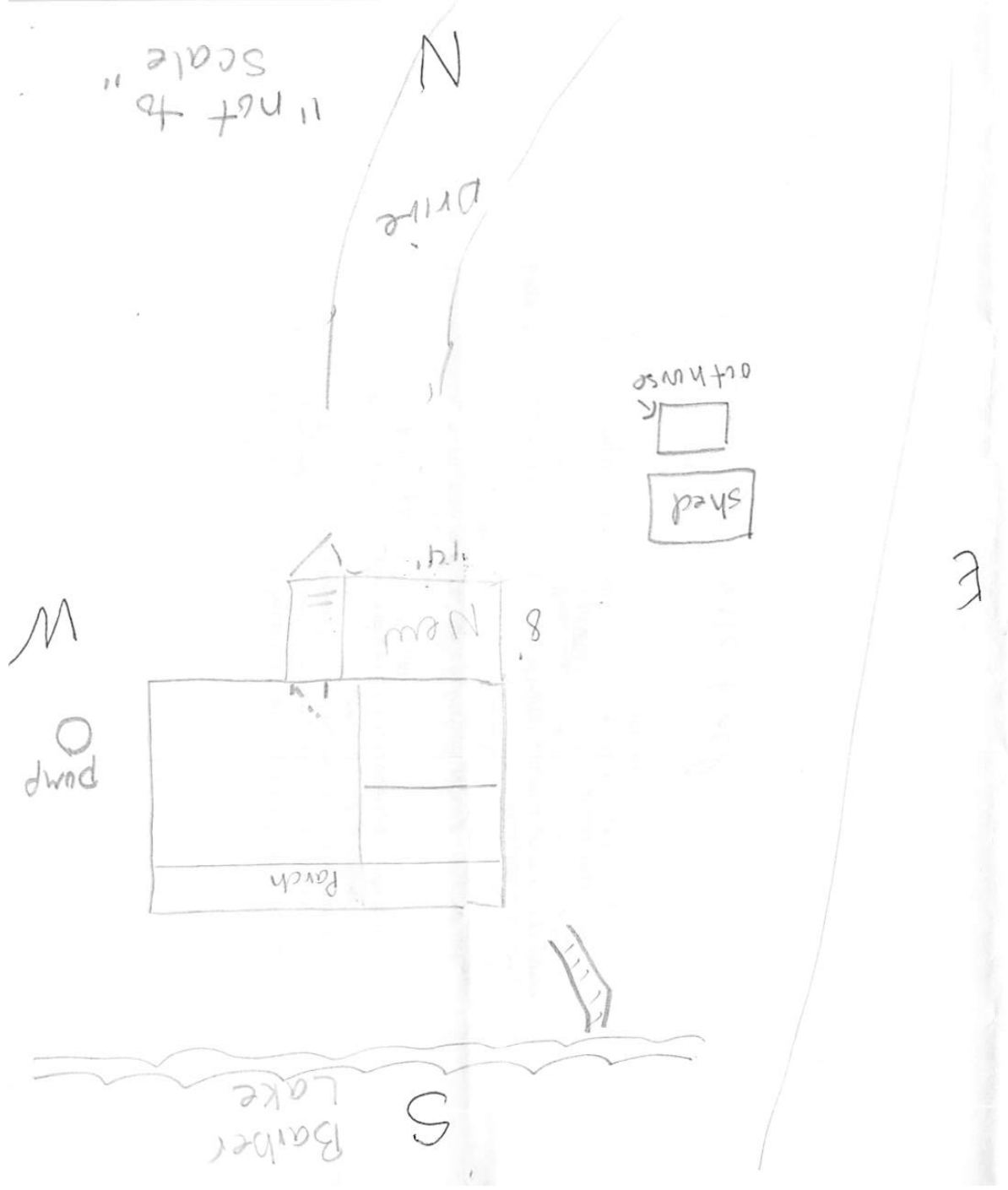
An applicant may not claim hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home.). Courts have also determined that economic or financial hardship does not justify 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. *see attached*

☐ No. A variance cannot be granted.



Sawyer County CZA
10610 Main St #49
Hayward WI ~~54843~~ 54843

Margaret and Gary Hall, permanent residents at 783 Badlands Rd, town of Hudson, WI are requesting an area variance for 7150N Malm Rd, town of Winter, located on the northern end of Barber Lake.

Municipality: (032) TOWN OF WINTER
STR: S02 T39N R05W
Description: PRT GOVT LOT 3
Recorded Acres: 0.220

We bought this cabin on a .22 acre lot in Oct 2018. At the time of purchase it had an outhouse, and a hand pump/point well, with no running water in the cabin.

We are asking for an area variance due to the distance from the lake shore, 2-3' short of the required 35' set back. The building is between 32-34' from waters edge of Barber Lake, depending on where you measure. Side yards are 15+ feet to the west and 30+ feet to the east. The north connects to a vacant swampy lot.

This is not our permanent home, but is possible now to use year round.

We are asking for a hardship exemption to improve the property, bringing it in to the current standards of living by eliminating the use of an out house, digging a new well, adding an 8'x14' addition to the rear of the cabin and installing a septic holding tank, with no drain field. The addition would be for indoor bath/plumbing and enclosing the entry way. We would also include water to the kitchen. We plan on a low flow shower, sink and stool, and on demand water heater.

If a variance is not granted, we would continue to use the outhouse.

The addition would not be visible from the lake, would likely keep the same roof line and exterior materials/color as existing structure and be on a block foundation.

We appreciate you looking at this request and hope to proceed with the improvements this fall or next spring.

Thank you,

Maggie and Gary Hall
783 Badlands Rd, Hudson, WI 54016 (mailing address)

7150 Malm Rd N, Winter, WI (cabin address)

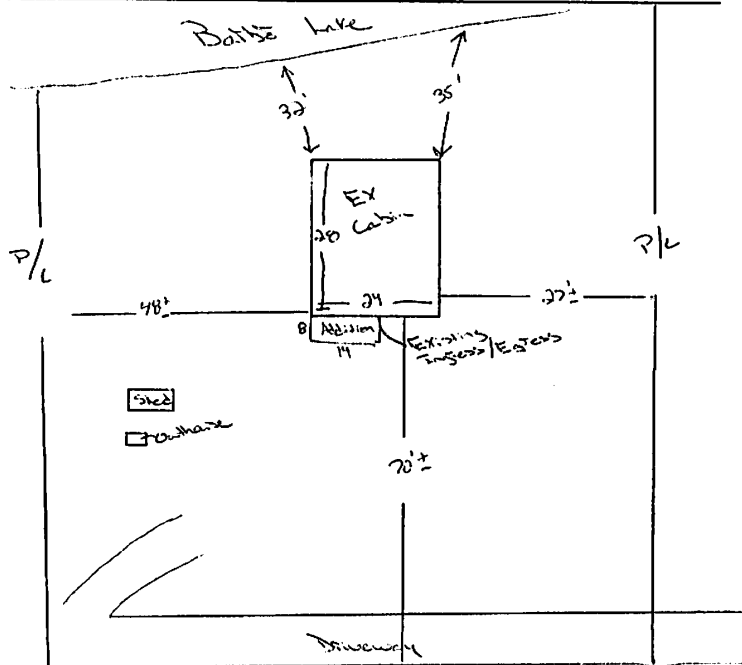
Sawyer County Zoning Administration Inspection Report

Owner(s) Gary & Margaret Hall
Address 783 Badlands Rd Hudson, WI 54016
Agent/Purchaser N/A
Address N/A
Bldr/Plber/CST N/A
Address N/A

Inspection ☒ Private ☐ Public Violation ☐ Zoning ☐ Sanitation

☒ Dwelling ☐ Mobile Home ☐ Commercial ☐ Garage ☒ Addition
☒ Setback - Lake ☐ Setback - Road ☒ Setback - Lot Line ☐ Soils Verification
☐

WD#414683 .263 acres R-1 PRT Govt Lot 3 7150N Malm Rd Winter, WI



Discussed with Pat Brown, Gary & Margaret Hall

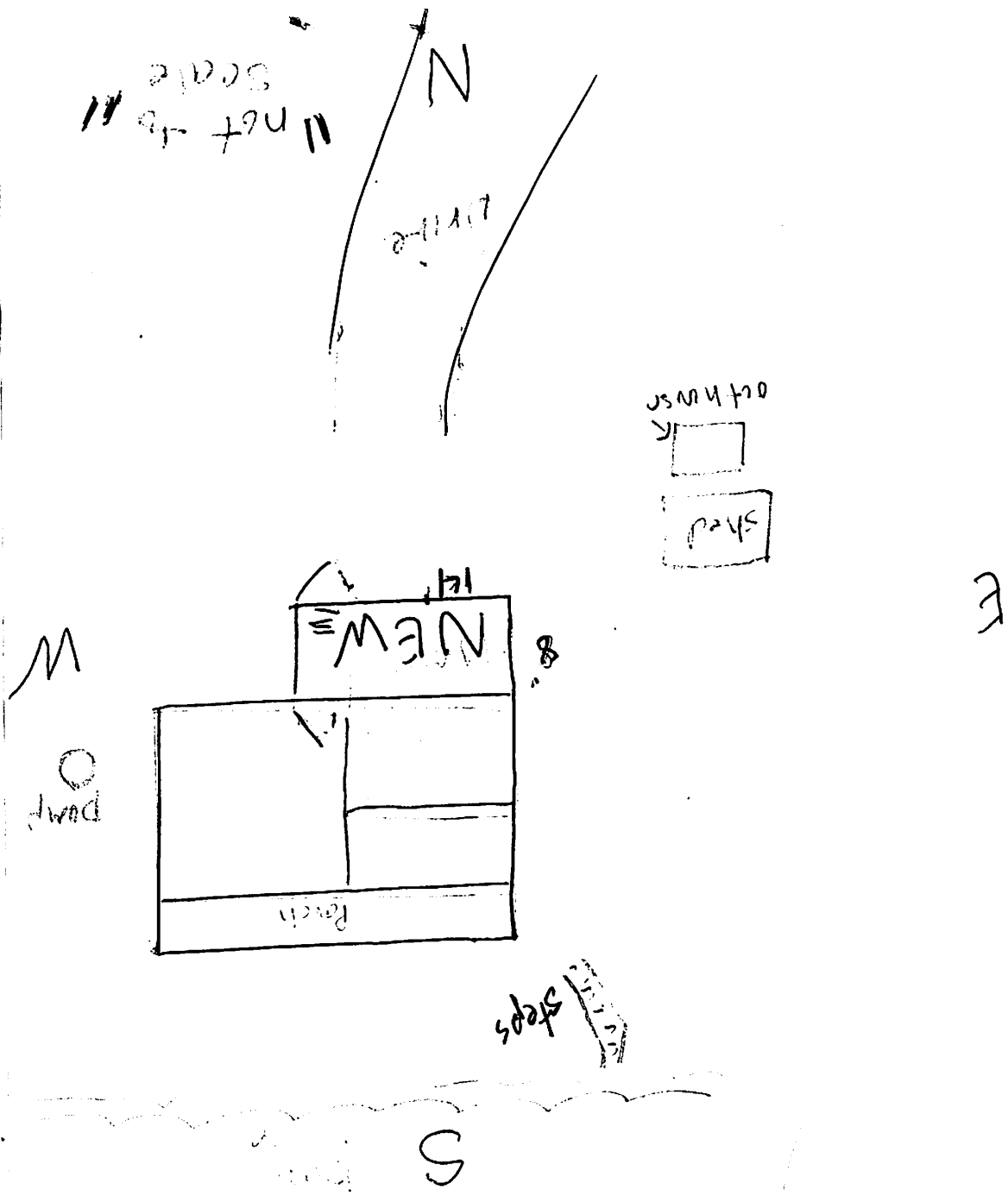
Date & Time 05/03/2022 10:00 AM

Signature of Inspector [Signature]

Owner(s) Gary & Margaret Hall Town of Winter Govt Lot PRT 3 1/4 1/4 S 02 T 39 N R 05 W

Lot(s) _____ Blk(s) _____ Subdivision _____ Computer # 032-539-02-5305 Parcel(s) 3.5

750 H/m Rd
Winter, WI



Real Estate Sawyer County Property Listing

Today's Date: 5/17/2022

Property Status: Current
Created On: 2/6/2007 7:55:58 AM

Description

Updated: 3/13/2018

Tax ID:	34626
PIN:	57-032-2-39-05-02-5 05-003-000050
Legacy PIN:	032539025305
Map ID:	:3.5
Municipality:	(032) TOWN OF WINTER
STR:	S02 T39N R05W
Description:	PRT GOVT LOT 3
Recorded Acres:	0.220
Calculated Acres:	0.263
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Barber Lake
Zoning:	(R-1) Residential One
ESN:	428

Tax Districts

Updated: 2/6/2007

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

Recorded Documents

Updated: 10/4/2018

WARRANTY DEED	
Date Recorded: 10/3/2018	414683
QUIT CLAIM DEED	
Date Recorded: 12/23/1998	273443

Ownership

Updated: 10/4/2018

GARY D & MARGARET S HALL HUDSON WI

Billing Address:

GARY D & MARGARET S HALL
783 BADLANDS RD
HUDSON WI 54016

Mailing Address:

GARY D & MARGARET S HALL
783 BADLANDS RD
HUDSON WI 54016



Site Address

* Indicates Private Road

7150N MALM RD WINTER 54896



Property Assessment

Updated: 10/10/2016

2022 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.220	42,000	15,500

2-Year Comparison	2021	2022	Change
Land:	42,000	42,000	0.0%
Improved:	15,500	15,500	0.0%
Total:	57,500	57,500	0.0%



Property History

N/A

