



Sawyer County

Agenda

Zoning Board of Appeals Meeting
Tuesday, October 18, 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 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 July 19, 2022 Minutes.
[7-19-2022 BOA Minutes](#)

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3. VARIANCE APPLICATIONS

- a. A Public Hearing in the Town of Ojibwa. VAR #22-005. Owner: Joe Salter & James Scheffler. Part of the S ½ of the NW ¼, Outlot 4 CSM 16/267 #4146; S06, T39N, R06W; Parcel #020-639-06-2309; Tax ID# 21012; .34 total acres; Zoned Residential/Recreational Two (RR-2). Application is for the Construction of a 2 story 20' X 20' primary dwelling (22' x 22') with eaves. This structure is proposed to have a 55' setback at the closest point to the centerline of Chippewa Flowage Road (a Town Road). Also, this proposed primary dwelling is to be located on an Outlot of certified survey map #4146 with no additional language indication on the survey map for the intent of the lot. Variance is requested as Section 4.21(3), Sawyer County Zoning Ordinance, Setback Requirements on Highways and Roads would require the prior granting of a variance for any structure less than 63' to the centerline of a Town Road. The proposed variance is requesting a 55' setback at the closest point to the centerline of Chippewa Flowage Road. Also, per Sawyer County Subdivision Control/Condominium

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Ordinance Section 2.0(U) Definition of Outlot- may not be used as a building site unless it is in compliance with the restrictions within this ordinance. Also, Section 3.10 of same subdivision ordinance states outlots created on a CSM shall be accompanied with a statement or purpose or use of the out. There is no language specified on the survey map that states the intent of the outlot and owner's where under the impression that they could build on the lot. Prior granting of a variance for Section 2.0(U) Subdivision Ordinance is also being requested to build on the outlot even though the intent of the outlot was never disclosed when the initial survey map was recorded in 1995.
Discussion/Action.

[VAR #22-005, Joe & Aron Salter and James Scheffler pkt.](#)

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- b. A Public Hearing in the Town of Radisson. VAR #22-006. Owner: Thomas & Carolyn Ogle. Part of Government Lot 3; S09, T39N, R07W; Parcel #022-739-09-5306; Tax ID#23094; .210 total acres; Zoned Residential/Recreational One (RR-1). Application is for: Construction of a single story 28' x 38' primary dwelling with attached 8' x 28' porch (32' x 50' with eaves total) AND a 26' x 27' (29' x 30' with eaves) detached garage. The proposed primary dwelling is to be located 13' at the closed point to the Right-Of-Way to a Town Road and 40' to the centerline. The proposed primary dwelling is also to be located 10' at the closest point to the rear property line. The proposed accessory structure (garage) is to be located 55' at the closest point to the centerline of a Town Road. The proposed accessory structure (garage) is also to be located 10' at the closest point to the rear property line. Variance is requested as: Section 4.21(3), Sawyer County Zoning Ordinance, Setback Requirements on Highways and Roads would require the prior granting of a variance for any structure less than 63' to the centerline of a Town Road or 30' from the Right-Of-Way. The proposed variance for the primary dwelling is requesting a 40' setback at the closest point to the centerline of Brecke Lane and 13' to the ROW. The proposed variance for the accessory structure is requesting a 55' setback to the centerline of Brecke Lane. Also, per Sawyer County Zoning Ordinance Section 18.0 Dimensional Requirements would require the prior granting of variance for any structure located less than 40' to a rear property line. Both the proposed variance for the primary dwelling and accessory structure are requesting a setback distance of 10' at the closest point to the rear property line.
Discussion/Action.

[VAR #22-006, Thomas & Carolyn Ogle pkt.](#)

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- c. A Public Hearing in the Town of Bass Lake. VAR #22-007. Owner: Frank & Diane Dowell. Part of Government Lot 4, Lot 4 CSM 5/296 #1053, Lot "A" CSM 5/326 #1068; S21, T40N, R09W; Parcel #002-940-21-5407; Tax ID #3505; 1.48 total acres; Zoned Residential/Recreational One. Application for: Construction of a single story 26' x 30' detached garage (28' x 32') with eaves. This structure is proposed to have a 27.5' setback at the closest point to Windigo Lake and a 10' setback at the closest point to C/L of a private road

easement. Variance requested as: Section 6.1, Sawyer County Zoning Shoreland Wetland Protection Ordinance, Shoreland setbacks would require the prior granting of a variance for any structure less than 75' to the OHWM. The proposed variance is requesting a 27.5' setback at the closest point to the OHWM of Windigo Lake. Additionally, Section 4.21 (6), Sawyer County Zoning Ordinance, Setbacks Requirements on Highways and Roads setbacks would require the prior granting of a variance for accessory structures less than the requires 30' from C/L of a private driveway that is 33' or less in width. The proposed variance is requesting a 10' setback at the closest point to 1 16.5' private road easement. Discussion/Action.

[VAR #22-007, Frank & Diane Dowell pkt.](#)

4. APPEALS

- a. None.

5. NEW BUSINESS

- a. Approval of 2023 meeting dates.
- b. Any other business that may come before the Board for discussion.

6. ADJOURNMENT

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEAL
July 20, 2021**

Board of Appeals

Al Gerber - Chairman
Laura Rusk – Vice Chairman
Steve Kelsey
Dee Dobilas
Gordy Christians
Jim Tiffany

Zoning Administration

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

PRELIMINARY MATTERS

- a) Call to Order and Roll Call. Gerber called the Public Hearing before the Sawyer County Zoning Board of Appeals to order at 6:00 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Gerber, Kelsey, Christians and Dobilas. Absent Rusk and Tiffany. Brown and Marks are present from the Zoning Office.
- b) Statement of Board and Hearing Procedures. 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.
- c) Statement of Hearing Notice. 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.
- d) Approval of the June 21, 2022 Minutes. Motion by Kelsey to approve the June 21, 2022 minutes, second by Christians. All in favor.

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. Brown reads the application, staff report, Town approval, neighboring letters and DNR letter. Margaret Hall, owner speaks in favor of the application. Discussion with Board, owner and Brown. No other comments for or against. Discussion by Board. Motion to approve by Kelsey, second by

Christians. Findings of Fact: 1.It would not be a self-created hardship, regarding the lot size. 2. It would not be damaging to the rights of others or property (lake). 3. The structure is unique to the property. 4. Removing the privy and replacing it with a Holding Tank. Voice finds all in favor 4 to 0.

NEW BUSINESS

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

ADJOURNMENT

Motion to adjourn by Kelsey, second by Dobalis. All in favor.

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

DRAFT



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:

Joe & Aron Salter and James Scheffler
E 15425 County Road D
Fall Creek, WI 54742

Property Location:

Town of Ojibwa. Part S ½ NW ¼, OUTLOT 4, CSM #4146; Sec 06 T39N R06W. Parcel #020-639-06-2309. 0.34 total acres zoned Residential/Recreation-Two (RR-2).

Summary of Request:

The applicant(s) are requesting a variance for the construction of a 20' x 20' (22'x22') 2-story primary dwelling with eaves. The proposed structure would be located 55' to the closest point of a Town Road which requires a 63' setback. The proposed primary dwelling is also to be located on an "outlot". Per the Sawyer County Subdivision Control/Condominium Ordinance Section 2.0(U) Definition of Outlot- may not be used as a building site unless it is in compliance with the restrictions within this ordinance. Also, Section 3.10 of same subdivision ordinance states outlots created on a CSM shall be accompanied with a statement of purpose or use of the out. There is no language specified on the survey map that states the intent of the outlot and owner's where under the impression that they could build on the lot. Prior granting of a variance for Section 2.0(U) Subdivision Ordinance is also being requested to build on the outlot even though the intent of the outlot was never disclosed when the initial survey map was recorded in 1995.

Project History/On-site Notes/Comments:

An onsite inspection was conducted on 6/1/22 by Jay Kozlowski. At the time of onsite a proposed building location was laid-out on the property for a 20' x 20' (22' x 22' with eaves) 2 story primary dwelling which is the minimum size primary dwelling allowed. The building was set in such a location that it would meet the minimum required setbacks of the Chippewa Flowage (75') and minimum side lot line setback (10'). After the proposed building was laid-out onsite there was a proposed setback distance of 55' to the centerline of Chippewa Flowage Road (a town road). This is where the first variance request comes from as the minimum setback distance required is 63' and the applicants are seeking a variance of an 8' reduction of the required setback distance.

The second aspect of the variance request is for the nature of an outlot. Generally, outlots are created as by remnant pieces of land splits. These outlots are generally deemed non-buildable and are created as such because they do not meet the required lot configuration. That being said though, the survey map is also to

include annotation as the why the outlot is being created. From the survey map that was recorded in 1995 no additional language was shown on the map. The current applicant purchased the property in 2017 and was unaware that the lot was not to be available for a “building site” as per the outlot definition. This variance request would also include the ability to build on an outlot while keeping in mind that no additional language was included on the CSM to state the intent of the outlot. CSMs today would include language that would specific not to be a building site or outlot to be combined with another lot.

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 Ojibwa
County of Sawyer

Variance Application # 22-005

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

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

Owner: Joe & Aron Salter

Address: E 15425 County Road D Fall Creek, WI 54742

Phone number: 715-271-5338

E-mail address: koubrabros@gmail.com

Property Description: Prt S 1/4 NW 1/4 Outlot 4, CSM 16/267. # 020-639-06-2309

Acreage: 0.34 Zone District: Residential/Recreational Two (RR-2)

Application is for:

Construction of a 2 story 20' X 20' primary dwelling (22' x 22') with eaves. This structure is proposed to have a 55' setback at the closest point to the centerline of Chippewa Flowage Road (a Town Road). Also, this proposed primary dwelling is to be located on an Outlot of certified survey map #4146 with no additional language indication on the survey map for the intent of the lot.

Variance is requested as:

Section 4.21(3), Sawyer County Zoning Ordinance, Setback Requirements on Highways and Roads would require the prior granting of a variance for any structure less than 63' to the centerline of a Town Road. The proposed variance is requesting a 55' setback at the closest point to the centerline of Chippewa Flowage Road. Also, per Sawyer County Subdivision Control/Condominium Ordinance Section 2.0(U) Definition of Outlot- may not be used as a building site unless it is in compliance with the restrictions within this ordinance. Also, Section 3.10 of same subdivision ordinance states outlots created on a CSM shall be accompanied with a statement or purpose or use of the out. There is no language specified on the survey map that states the intent of the outlot and owner's where under the impression that they could build on the lot. Prior granting of a variance for Section 2.0(U) Subdivision Ordinance is also being requested to build on the outlot even though the intent of the outlot was never disclosed when the initial survey map was recorded in 1995.

Other Information:

Signature of Agent(s)

Signature of Owner(s)

Address, Phone & Email

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 grants permission for access to the property for onsite inspection.
(January 2021) Fee \$750.00

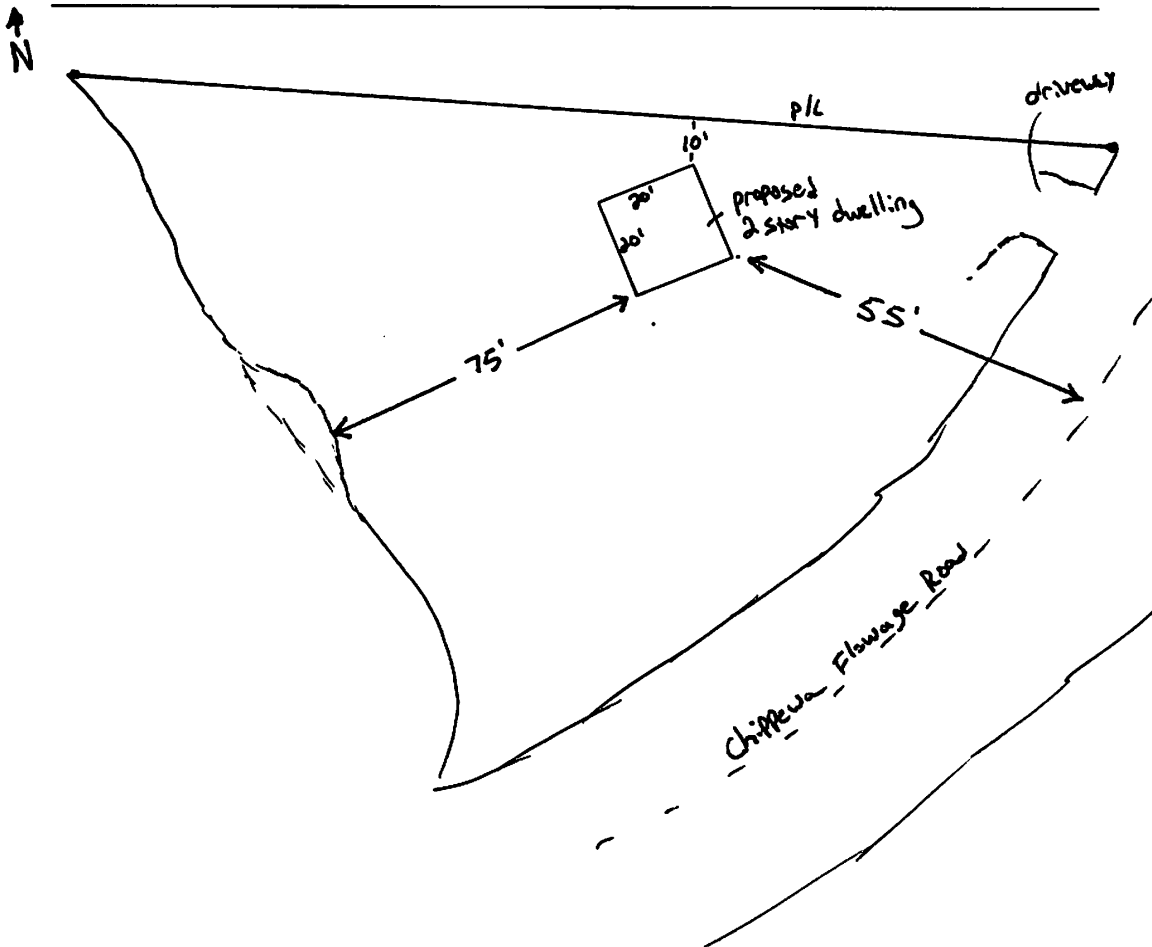
**Sawyer County Zoning Administration
Inspection Report**

Owner(s) Joe Salter & James Scheffler
 Address E 15425 County Road D Fall Creek, WI 54742
 Agent/Purchaser _____
 Address _____
 Bldr/Plber/CST _____
 Address _____

Inspection ☒ Private ☐ Public Violation ☐ Zoning ☐ Sanitation

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

QCD#409059 0.34 Acres RR-2 CSM 16/267 #Chippewa Flowage Road



proposed 20 x 20, (22') x (22') with eaves primary dwelling
 located 55' to the closest point of a Town Road.

This lot was created as an outlet but no additional language was
 shown on survey map created in 1945 for the intent of the
 outlet.

Discussed with Joe & Ann Salter and Jay Kozlowski

Date & Time 06/1/22 11:30 AM

Signature of Inspector [Signature]

Owner(s) SALTER, JOE Town of OJIBWA Govt Lot PRT S (1/2) NW1/4 S 06 T 39 N R 06
 Lot(s) outlot 4 Blk(s) _____ Subdivision _____ Computer # 020-639-06-2309 Parcel(s) _____

Real Estate Sawyer County Property Listing

Today's Date: 8/10/2022

Property Status: Current**Created On: 2/6/2007 7:55:35 AM****Description** Updated: 6/15/2020

Tax ID:	21012
PIN:	57-020-2-39-06-06-2 03-000-000090
Legacy PIN:	020639062309
Map ID:	.7.9

Municipality:	(020) TOWN OF OJIBWA
STR:	S06 T39N R06W
Description:	PRT S1/2 NW1/4 OUTLOT 4 CSM 16/267 #4146
Recorded Acres:	0.340
Calculated Acres:	0.432
Lottery Claims:	0
First Dollar:	No
Waterbody:	Chippewa Flowage
Zoning:	(RR2) Residential/Recreational Two
ESN:	

Tax Districts Updated: 2/6/2007

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

Recorded Documents Updated: 12/12/2017

CORRECTION INSTRUMENT	
Date Recorded: 12/8/2017	<u>410159</u>
QUIT CLAIM DEED	
Date Recorded: 10/5/2017	<u>409059</u>
JUDGMENT	
Date Recorded: 9/16/2015	<u>397639</u>
QUIT CLAIM DEED	
Date Recorded: 4/8/1994	<u>241139</u> <u>530/177</u>

Ownership Updated: 8/30/2021

JOE SALTER	FALL CREEK WI
JAMES SCHEFFLER	CHIPPEWA FALLS WI

Billing Address:	Mailing Address:
JOE SALTER	JOE SALTER
E 15425 COUNTY RD D	E 15425 COUNTY RD D
FALL CREEK WI 54742	FALL CREEK WI 54742

Site Address * indicates Private Road**Property Assessment** Updated: 6/13/2018

2022 Assessment Detail			
Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.340	5,100	0

2-Year Comparison			
	2021	2022	Change
Land:	5,100	5,100	0.0%
Improved:	0	0	0.0%
Total:	5,100	5,100	0.0%

Property History

N/A

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



Completed by Joey J. Salter
(First Name) (MI) (Last Name)

The purpose of this form is to provide you with information that pertains to the granting of "area/dimensional" variances and to assist you in preparing for your presentation before the Sawyer County Board of Appeals. Use additional paper for responses if required. Example responses are not related to any variance ever reviewed by the Board of Appeals. **This form will become a part of your application packet and is to be returned to the Zoning Department by the variance application deadline.**

Part 1. Applicant supplied Information.

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

Property is vacant, being used to camp on and boat to and from with our family on weekends.

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

We are requesting a variance to be able to build a 20X20 (minimum size allowed) cabin on the property to be used year round for enjoying all four seasons of the Chippewa Flowage. The variance would be asking for an additional 8 feet off the setback limitations from the centerline of the road.

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.").

Through building a cabin on this property, it would increase property value and decrease the aesthetic look of temporary campers on the site. It would increase the amount of time we spend on the flowage and the revenue that we bring to the area as well.

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.")

We considered building a round, unique grain bin style cottage instead of square to meet the square foot requirements without the need for a variance, but that still didn't fall within the existing standards. Currently, we are 6-8 feet short to comply with the existing standards no matter if we were to build round or square. There is no other alternative space or location on the property that would allow building to the current standards as the other open space is closer to the water therefore not complying to the required water mark setbacks for building. We felt it would be better to ask for a variance from the center line on the road than to try asking for one on the high water mark.

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

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

We are asking for 8 feet which allows us to build a 20X20 cabin which is the minimum allowed to build to make compliance with necessary square feet of living space 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.").

If the variance is granted, the property value of our property and those adjacent would be increased. The way the property is being utilized would be more aesthetically pleasing, there will be a greater improvement to the surface area and layout of the property that will help with erosion such as a nicer lawn planted, rain gutters for erosion, more gravel to hold the ground in place, etc.

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.").

- The drainage that runs through and creates the wet hole where the 2nd dock is, therefore pushing back the buildable area from the highwater mark
- Shape/design/surface area of the lot in proximity to the road and required buildable space requirements
- Bridge washing out, pushing up sand, expanding shoreline, pushing back water into the high water mark area

(shown on attached site map)

☐ No. A variance cannot be granted.

2) No Harm to Public Interests.

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

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

The granting of this variance would not harm and may enhance the public interests for the following reasons.

1. Shouldn't affect public health and safety...
 - a. would still be a large set back from the road
 - b. would create more parking with the elimination of campers and creative use of the space
 - c. tree line would remain intact working as a buffer for traffic safety

- d. there are are small number of other homes/cabins past this point on the dead end road this is located on
2. Maintaining the proper distance from the high watermark set back therefore this shouldn't affect water quality
 3. This area is already cleared, very few trees and no water will be tampered with to affect fish and wildlife habitat
 4. Again very little will be tampered with to create the proper buildable space. The scenery would look better with a cabin there rather than the camper that comes and goes.
 5. Property is already cleared and site is open slate for camping and or construction of new cabin, silt fence will be used for erosion control during construction
 6. Variances with lesser set back have been deemed acceptable in other areas of the county

3) Unnecessary Hardship.

An applicant may not claim hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home.). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than just a portion of the parcel.

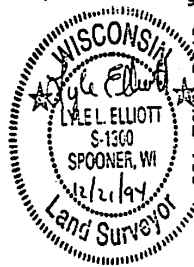
You are applying for an "area variance." An area variance relaxes a dimensional standard such as a setback, frontage, lot area, or height. For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The importance of the public purposes of the ordinance, the degree to which the restriction supports those purposes and the extent of the relaxation of the restriction are weighed against the limitations full compliance would impose on use of the property.

Is unnecessary hardship present?

☐ Yes. Describe.

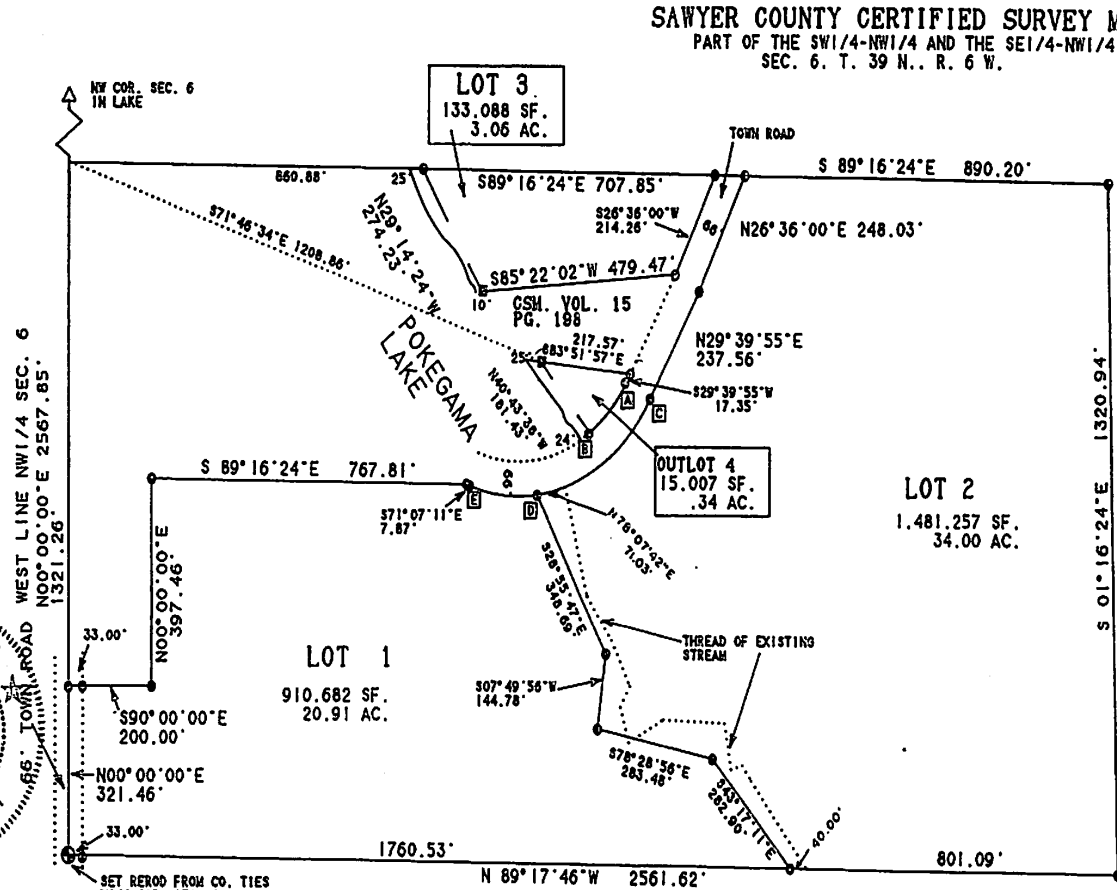
We are applying for an area variance because compliance with current set backs would unreasonably prevent us from using the property for a permitted purpose (building) since we wouldn't have the proper amount of set back from the road

- For building purposes, a 20X20 cabin is required to comply with the 500 square foot of livable space rules. To build a 20X20 cabin and meet proper setbacks from neighboring property lines and high water marks, we are requesting the set back from the road to be trimmed by 8 feet, still allowing ample space from the center line but then also meeting all the other requirements set forth.



- FD. 1" I.P.
- FD. 3/4" I.P.
- SET 3/4" X 24" REROD
WT. 1.50 LBS/FT.

BEARINGS REFERENCED TO THE
WEST LINE NW1/4 SEC. 6
(ASSUMED N00°00'00"E)
SCALE 1" = 300'



	CURVE DATA TABLE					
	RAD.	ARC	TAN	DELTA	CH. BRG.	CH.
A TO B	301.38'	134.38'	68.33'	25°32'49"	S42°01'18"W	133.49'
D TO C	367.38'	341.12'	183.97'	53°12'00"	N56°15'56"E	329.00'
E TO D	367.38'	166.81'	84.87'	26°00'55"	S84°07'45"E	165.38'
E TO C	367.38'	507.93'	304.01'	79°12'55"	N69°16'21"E	468.44'

SHEET 1 OF 3. PAGE 1 OF 3

267

154-95
David Elliott
Sawyer Co. Eng. & Survey
4/14/6
4/14/6
245958 1 of 3

SAWYER COUNTY CERTIFIED SURVEY MAP
PART OF THE SW1/4-NW1/4, SE1/4-NW1/4, SEC. 6, T. 39N., R. 6 W.

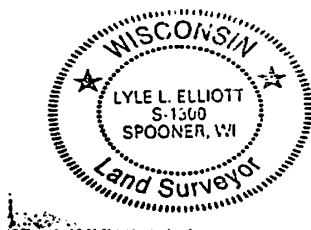
LEGAL DESCRIPTION LOT 3

A PART OF THE SW1/4-NW1/4, AND THE SE1/4-NW1/4, SEC. 6, T. 39 N., R. 6 W., TOWN OF OJIBWA, SAWYER COUNTY, WISCONSIN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER SAID SEC. 6, THENCE N00°00'00"E 1321.26 FEET; THENCE S89°16'24"E 660.66 FEET TO THE POINT OF BEGINNING; THENCE S89°16'24"E 707.85 FEET; THENCE S26°36'00"W 214.26 FEET; THENCE S85°22'02"W 479.47 FEET TO THE SHORE OF POKEGAMA LAKE; THENCE N29°14'24"W ON A MEANDER LINE OF SAID LAKE 274.23 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 3.06 ACRES MORE OR LESS, INCLUDING ALL LAND FROM SAID MEANDER LINE TO THE WATERS EDGE, AND SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

LEGAL DESCRIPTION OUTLOT 4

A PART OF THE SW1/4-NW1/4 AND THE SE1/4-NW1/4, SEC. 6, T. 39 N., R. 6 W., TOWN OF OJIBWA, SAWYER COUNTY, WISCONSIN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER SAID SEC. 6, THENCE N00°00'00"E 1321.26 FEET; THENCE S71°46'34"E 1208.66 FEET TO THE POINT OF BEGINNING; THENCE S83°51'57"E 217.57 FEET; THENCE S29°39'55"W 17.35 FEET; THENCE ON AN ARC OF A CURVE TO THE RIGHT 134.38 FEET AND WHOSE CHORD BEARS S42°01'18"W 133.49 FEET TO THE SHORE OF POKEGAMA LAKE; THENCE N40°43'38"W ON A MEANDER LINE OF SAID LAKE 181.43 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS .34 ACRES MORE OR LESS, INCLUDING ALL LAND FROM SAID MEANDER LINE TO THE WATERS EDGE, AND SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD. I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN REVISED STATUTES AND THE SUBDIVISION ORDINANCE OF SAWYER COUNTY IN SURVEYING AND MAPPING SAME. I HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Lyle L. Elliott
LYLE L. ELLIOTT, RLS 1300
DATE: 12/21/94



SHEET 3 OF 3, PAGE 3 OF 3

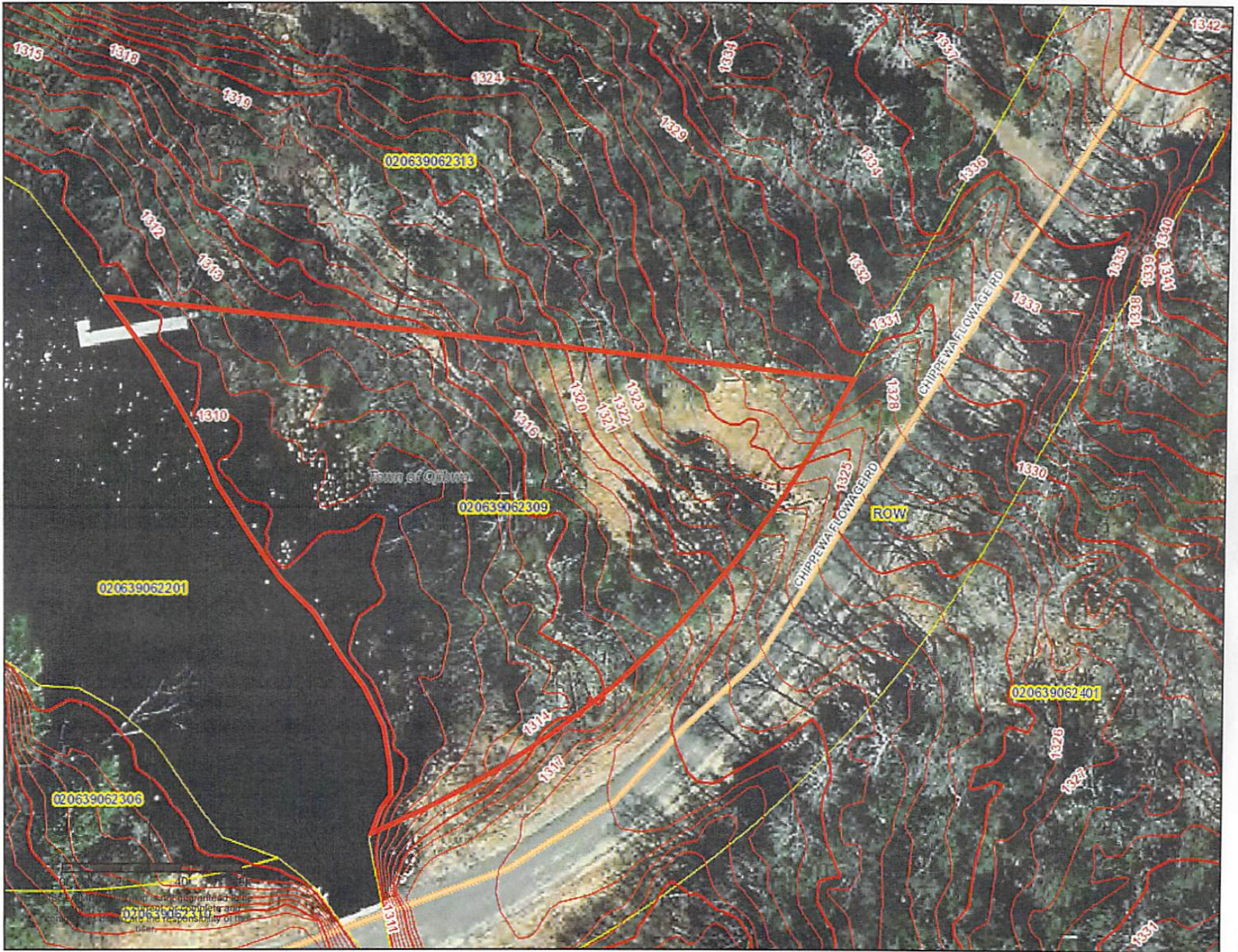
245958

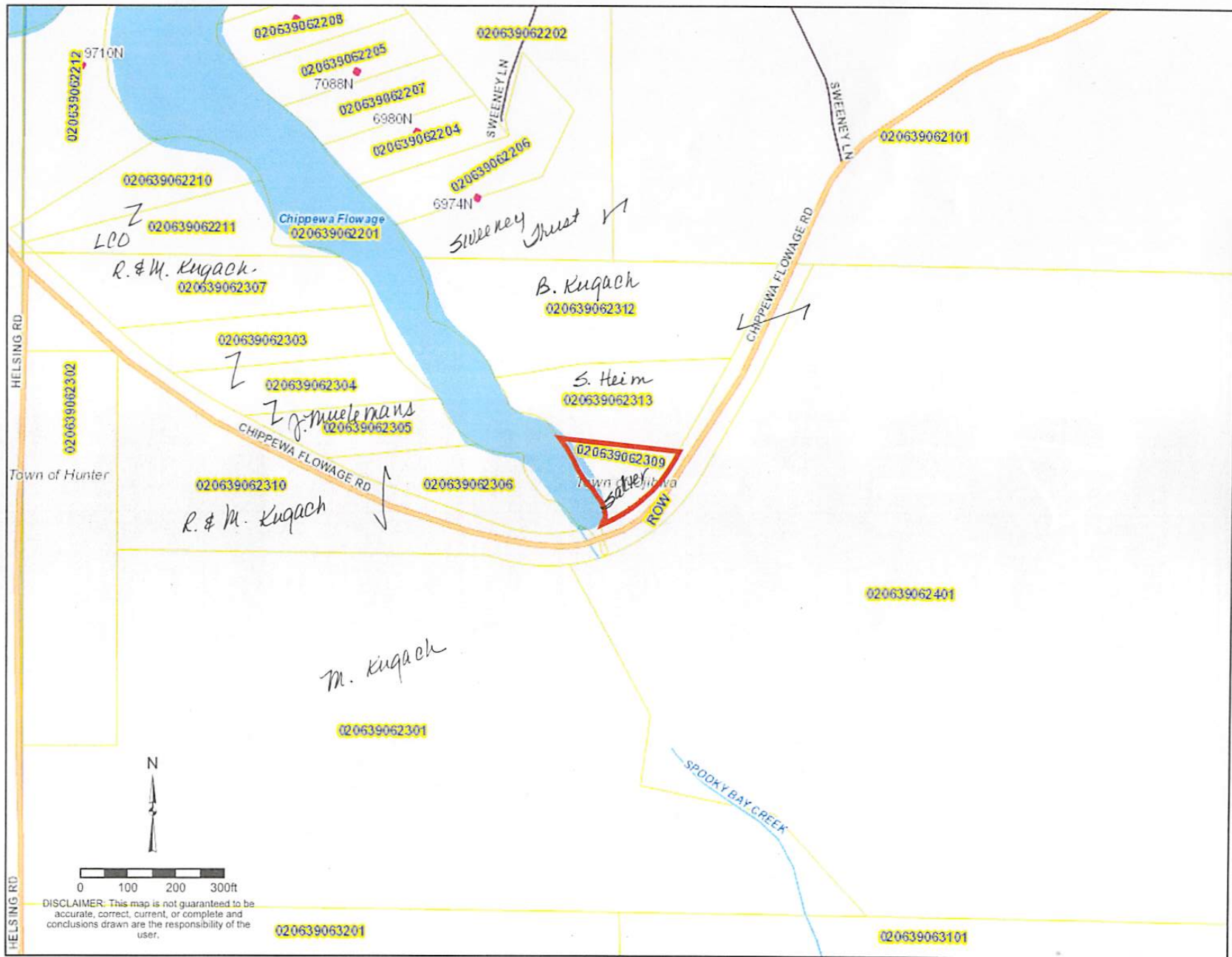
Register's Office
Sawyer County

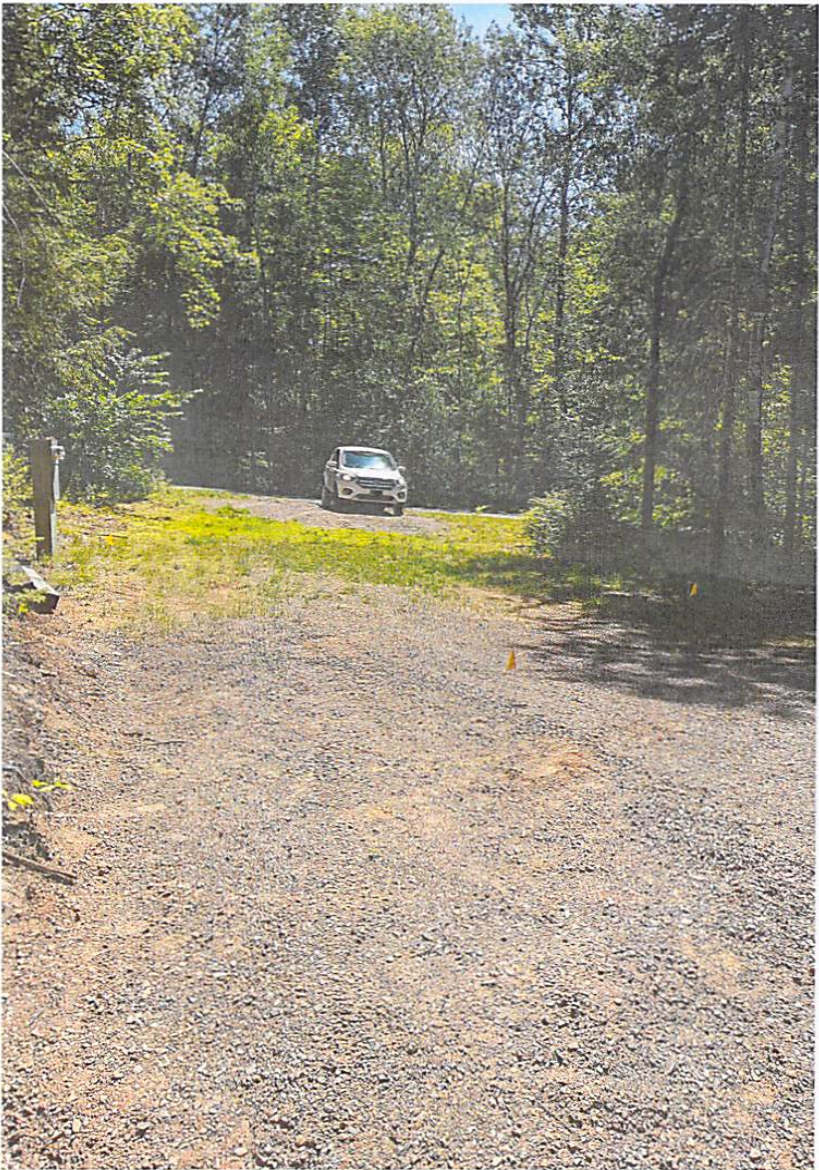
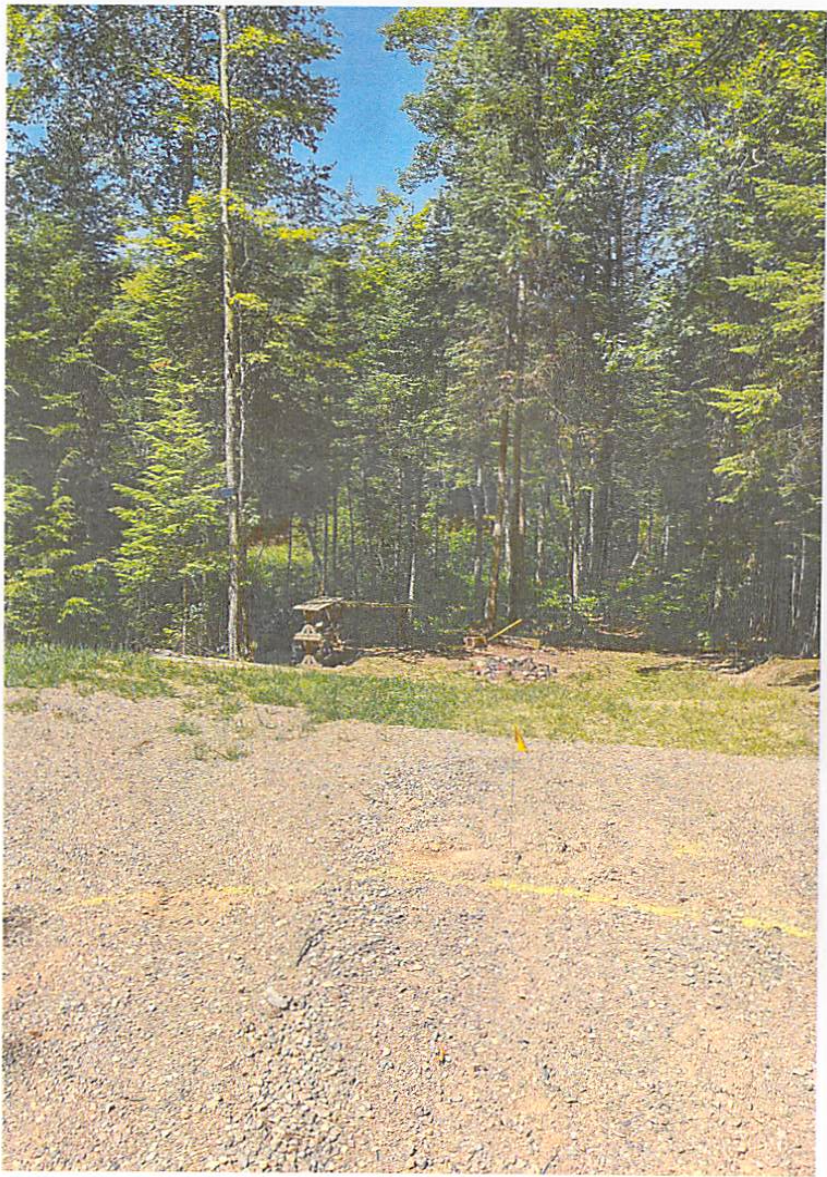
Received for record this 4 day of
July AD 1995 at 11:15 o'clock
AM and recorded in vol. 54
of Certified Surveys or page 267-269
E. J. J. J.
Register
Deputy

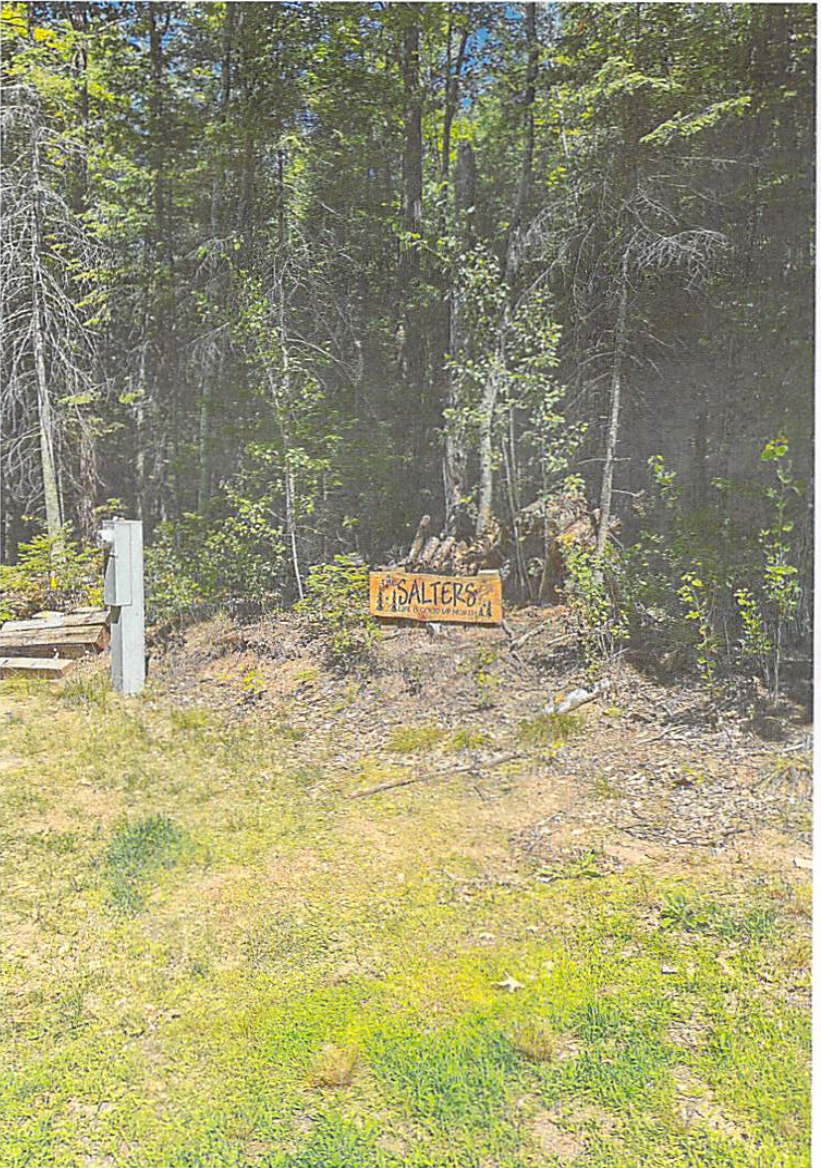
269

















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:

Thomas & Carolyn Ogle
4137 114th Street
Pleasant Prairie, WI 53158

Property Location:

Town of Radisson. Prt Govt lot 3: Sec 09 T39N R07W. Parcel #022-739-09-5306. 0.21 total acres zoned Residential/Recreation-Two (RR-1). Site address: 6863N Brecke Lane

Summary of Request:

The applicant(s) are requesting a variance for the construction of a 28' x 38' primary dwelling with attached 8' x 28' (32'x50' with eaves total) and a 26' x 27' (29' x 30' with eaves) detached garage. The proposed primary dwelling would be 13' at the closest point to a Town Road right-of-way and 40' to the centerline. The required setback here would be 30' from R-O-W or 63' from the center line. The primary dwelling is also proposed at a 10' setback to the rear lot line. The required setback would be 40' from the rear lot line. The proposed garage structure would be measure at 55' to the centerline of the Town Road again requiring a 63' setback. The garage would also be 10' proposed to the rear lot line requiring a setback of 40'

Project History/On-site Notes/Comments:

An onsite inspection was conducted on 7/2/22 by Jay Kozlowski. At the time of onsite a proposed building location was laid-out on the property. The existing structure needs major repairs. While there would be allowances to repair the building it would still require a variance if the cost of repairs was to exceed 50% of the current estimated fair market value. This amount would be very low and a proposal of full replacement and expansion is now up for variance discussion. The existing structure is 6.5' to the R-O-W and 31' to the centerline so the new building would be moved further back from the road but ultimately closer to the rear lot line. The current dwelling is approximately 610 sq ft and the proposed new without the porch is 1064 sq ft and 1288 sq ft with the porch. There was an existing garage on the property that was removed back in 2019. The new proposed garage is to be slightly larger but approximately at the same non-compliant road and rear lot line setbacks.

This lot is very narrow and no other buildable area exists on the property. The current holding tank would also need to be relocated as part of this proposal and the existing cabin would also be removed.

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 Radisson
County of Sawyer

Variance Application # 22-006

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

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

Owner: Thomas & Carolyn Ogle

Address: 4137 114th Street Pleasant Prairie, WI 53158

Phone number: 262-942-0820

E-mail address: toggle231@outlook.com

Property Description: Prt Govt Lot 3, S09 T39N R07W, parcel # 022-739-09-5306

Acreage: 0.21 Zone District: Residential/Recreational One (RR-1)

Application is for:

Construction of a single story 28' x 38' primary dwelling with attached 8' x 28' porch (32' x 50' with eaves total) AND a 26' x 27' (29' x 30' with eaves) detached garage. The proposed primary dwelling is to be located 13' at the closed point to the Right-Of-Way to a Town Road and 40' to the centerline. The proposed primary dwelling is also to be located 10' at the closest point to the rear property line. The proposed accessory structure (garage) is to be located 55' at the closest point to the centerline of a Town Road. The proposed accessory structure (garage) is also to be located 10' at the closest point to the rear property line. See attached map for location of existing house and garage that will be removed with variance approval.

Variance is requested as:

Section 4.21(3), Sawyer County Zoning Ordinance, Setback Requirements on Highways and Roads would require the prior granting of a variance for any structure less than 63' to the centerline of a Town Road or 30' from the Right-Of-Way. The proposed variance for the primary dwelling is requesting a 40' setback at the closest point to the centerline of Brecke Lane and 13' to the ROW. The proposed variance for the accessory structure is requesting a 55' setback to the centerline of Brecke Lane. Also, per Sawyer County Zoning Ordinance Section 18.0 Dimensional Requirements would require the prior granting of variance for any structure located less than 40' to a rear property line. Both the proposed variance for the primary dwelling and accessory structure are requesting a setback distance of 10' at the closest point to the rear property line.

Other Information:

Signature of Agent(s)

Signature of Owner(s)

Address, Phone & Email

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 grants permission for access to the property for onsite inspection.
(January 2021) Fee \$750.00

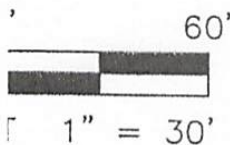
Inspection Report

Address _____

Violation ☐ Zoning ☐ Sanitation

☒ Inspection Report for Variance

#6863N Brecke Lane



Signature of Inspector *[Signature]*

R 07

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

Completed by THOMAS E OGLE
(First Name) (MI) (Last Name)

The purpose of this form is to provide you with information that pertains to the granting of "area/dimensional" variances and to assist you in preparing for your presentation before the Sawyer County Board of Appeals. Use additional paper for responses if required. Example responses are not related to any variance ever reviewed by the Board of Appeals. This form will become a part of your application packet and is to be returned to the Zoning Department by the variance application deadline.

Part 1. Applicant supplied information.

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

PROPERTY CONTAINS A RESIDENTIAL HOME/COTTAGE
THAT IS NOT HABITABLE

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

HOME 28' x 38' W/8' COVERED PORCH/DECK
OFF OF NORTH SIDE OF HOME AND DETACHED
27' x 26' POST FRAME GARAGE.

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.").

THE HOME AND POST FRAME GARAGE ARE REQUIRED
FOR YEAR-ROUND LIVING AND PROTECTING MY
PROPERTY VALUE AND OTHERS NEARBY

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.")

CURRENT LOT SPACE IS NOT AVAILABLE
TO EXPAND IN ANY OTHER DIRECTION
OR LOCATION.

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

TO REBUILD IN THE SAME FOOTPRINT AND
VERTICALLY EXPAND WHICH WOULD ALSO
REQUIRE A VARIANCE
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.").

NONE KNOWN THAT I'M AWARE OF.

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.").

THE LOT DEPTH PREVENTS
US FROM MEETING COMPLIANT SETBACKS
WITH THE REAR LOT LINE SETBACKS AND TOWN
ROAD SETBACK

☐ 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.

NO HARM TO PUBLIC INTEREST THAT I'M AWARE OF. REPLACING OLD STRUCTURE WITH NEW WOULD BE A POSITIVE FOR THE AREA.

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.

REPLACE AN OLDER STRUCTURE THAT IS DETERIORATING WITH A NEW DWELLING THAT WILL BE FURTHER AWAY FROM ROAD. ALSO TO HAVE AN ADDITIONAL STORAGE AREA FOR NEW WOOD HANDS CREATERS.

☐ No. A variance cannot be granted.

Real Estate Sawyer County Property Listing

Today's Date: 8/11/2022

Property Status: **Current**

Created On: 2/6/2007 7:55:39 AM



Description

Updated: 10/10/2019

Tax ID:	23094
PIN:	57-022-2-39-07-09-5 05-003-000060
Legacy PIN:	022739095306
Map ID:	:3.6
Municipality:	(022) TOWN OF RADISSON
STR:	S09 T39N R07W
Description:	PRT GOVT LOT 3
Recorded Acres:	0.210
Calculated Acres:	0.197
Lottery Claims:	0
First Dollar:	Yes
Zoning:	(RR1) Residential/Recreational One
ESN:	451



Tax Districts

Updated: 2/6/2007

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



Recorded Documents

Updated: 10/10/2019

MAP OF SURVEY	
Date Recorded: 7/11/2019	9397-24
WARRANTY DEED	
Date Recorded: 1/16/2012	376634



Ownership

Updated: 11/26/2012

THOMAS E & CAROLYN A OGLE	PLEASANT PRAIRIE WI
--------------------------------------	------------------------

Billing Address:

THOMAS E & CAROLYN A OGLE
4137 114TH ST
PLEASANT PRAIRIE WI 53158

Mailing Address:

THOMAS E & CAROLYN A OGLE
4137 114TH ST
PLEASANT PRAIRIE WI 53158



Site Address * indicates Private Road

6863N BRECKE LN	COUDERAY 54828
-----------------	----------------



Property Assessment

Updated: 6/19/2020

2022 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.210	1,100	13,800

2-Year Comparison

	2021	2022	Change
Land:	1,100	1,100	0.0%
Improved:	13,800	13,800	0.0%
Total:	14,900	14,900	0.0%



Property History

N/A

MAP OF SURVEY

LOCATED IN PART OF GOVERNMENT LOT 3, OF SECTION 9, TOWNSHIP 39 NORTH,
RANGE 7 WEST, IN THE TOWN OF RADISSON, SAWYER COUNTY, WISCONSIN.

WITNESS CORNER TO THE MEANDER
CORNER BETWEEN SEC. 4/9-39-7
FOUND 3-1/4" ALUM. MON.

MONUMENTED NORTHEAST CORNER
OF GOVERNMENT LOT 3
FOUND 1" HEXAGON IRON ROD

S89°33'14"E 536.30' S89°37'20"E 2689.11' S89°28'33"E 657.71'
2038.49' 650.62'
NORTHWEST CORNER
SEC. 9-39-7
FOUND 2-1/2" CAPPED
IRON PIPE
B.L.M. EAST 1/16 CORNER ON
NORTH LINE OF SEC. 9-39-7
FOUND MAG P.K. NAIL

DEED
DOC. No. 388657

DEED
DOC. No. 96340

LINE TABLE
L1= S25°41'38"E 47.87'
L2= S56°53'50"E 7.15'

Received of the Sawyer County Surveyors Office this
11 day of June 20 19
2019

DEED
DOC. No. 408403

0' 30' 60'
SCALE IN FEET 1" = 30'

P.O.B. (WEST 75')
N89°48'12"W 75.00'

(SOUTH 165')
S00°15'34"W 165.10'

TOTAL AREA
9,163 SQ. FT.
0.21 ACRES

DEED
DOC. No. 96340

TRAVELED CENTERLINE

BRECKE ROAD

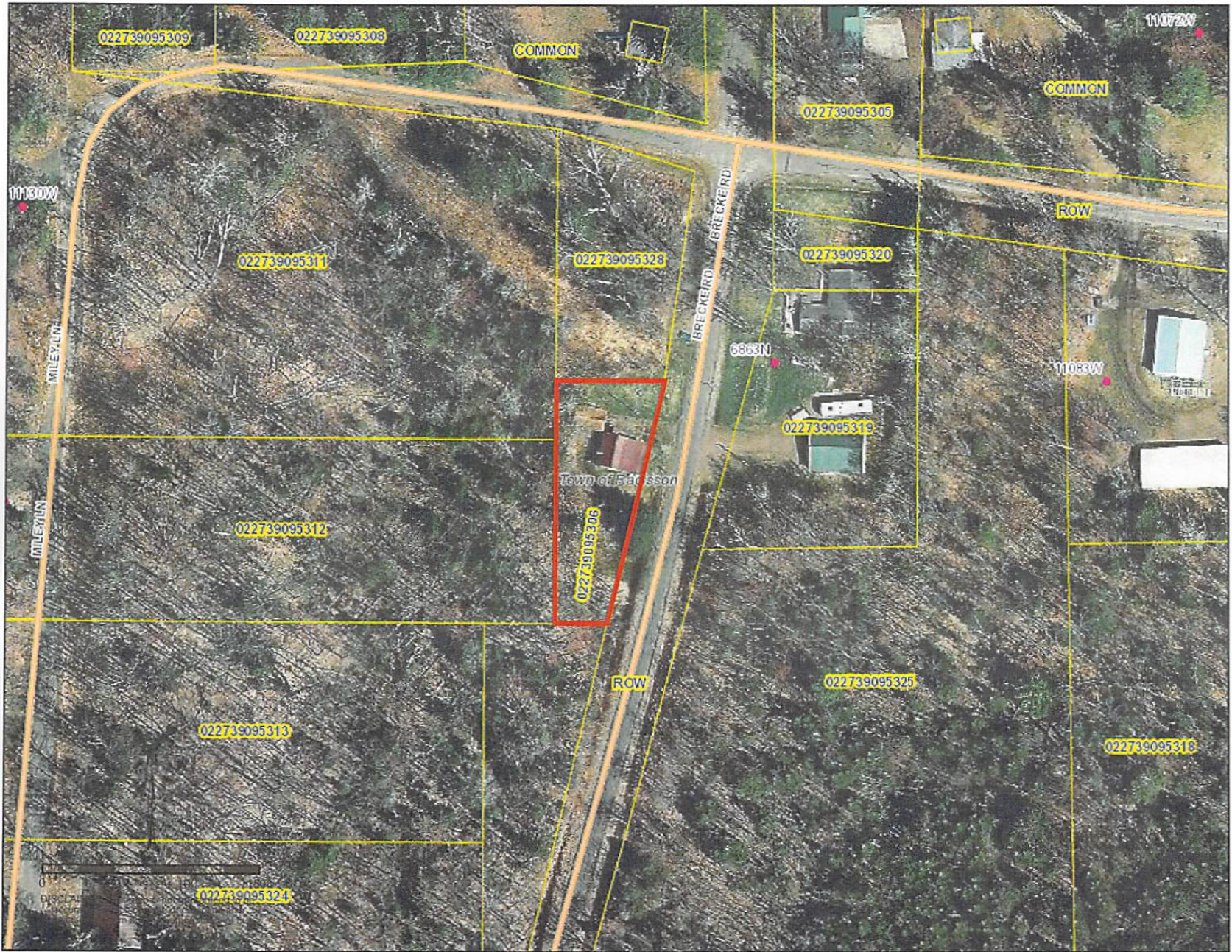
BEARINGS ARE REFERENCED TO THE NORTH LINE OF GOVERNMENT
LOT 3 OF SECTION 9, TOWNSHIP 39 N., RANGE 7 W, WHICH
BEARS S89°28'33"E. SAWYER COUNTY GRID, NAD 83/2011.

JOB # 04919
Prepared by:
Jesse Suzan Land Surveying LLC
Phone No. (715) 634-0774
13731W Sjoström Circle
Hayward, WI 54843
Sheet 1 of 2 Sheets

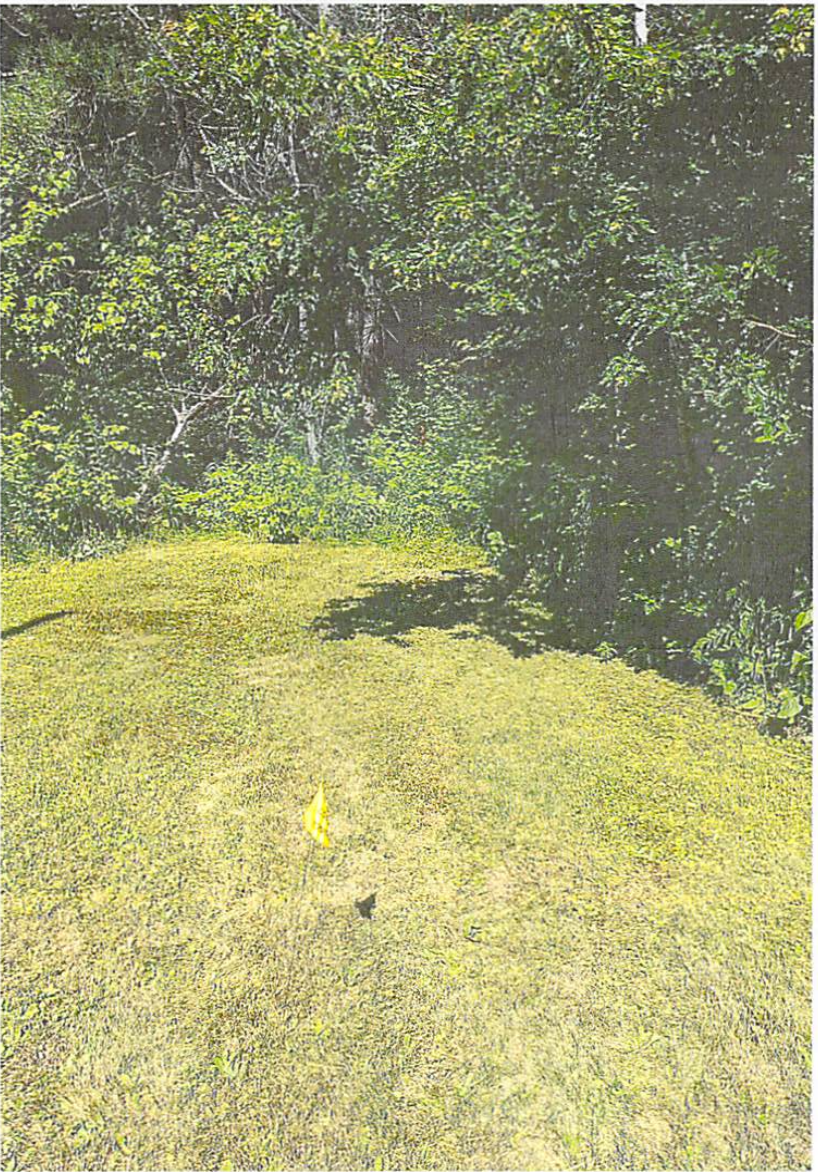
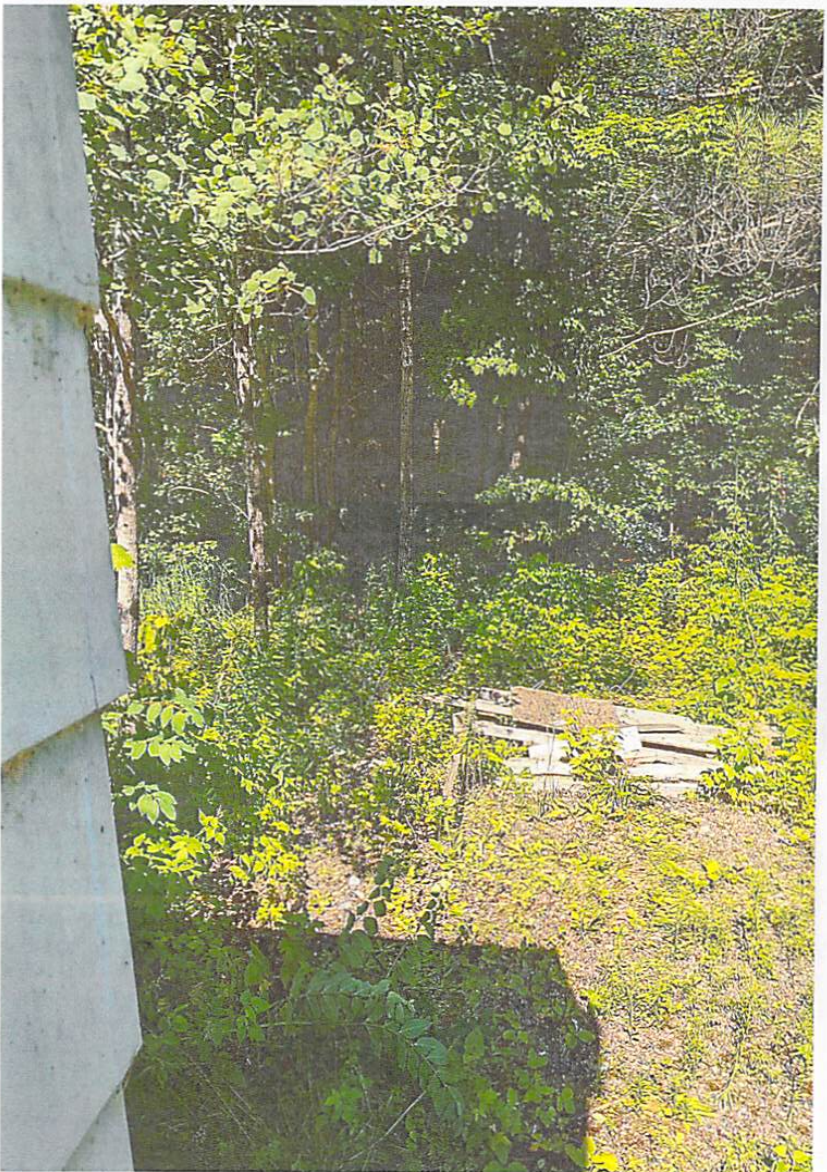


LEGEND

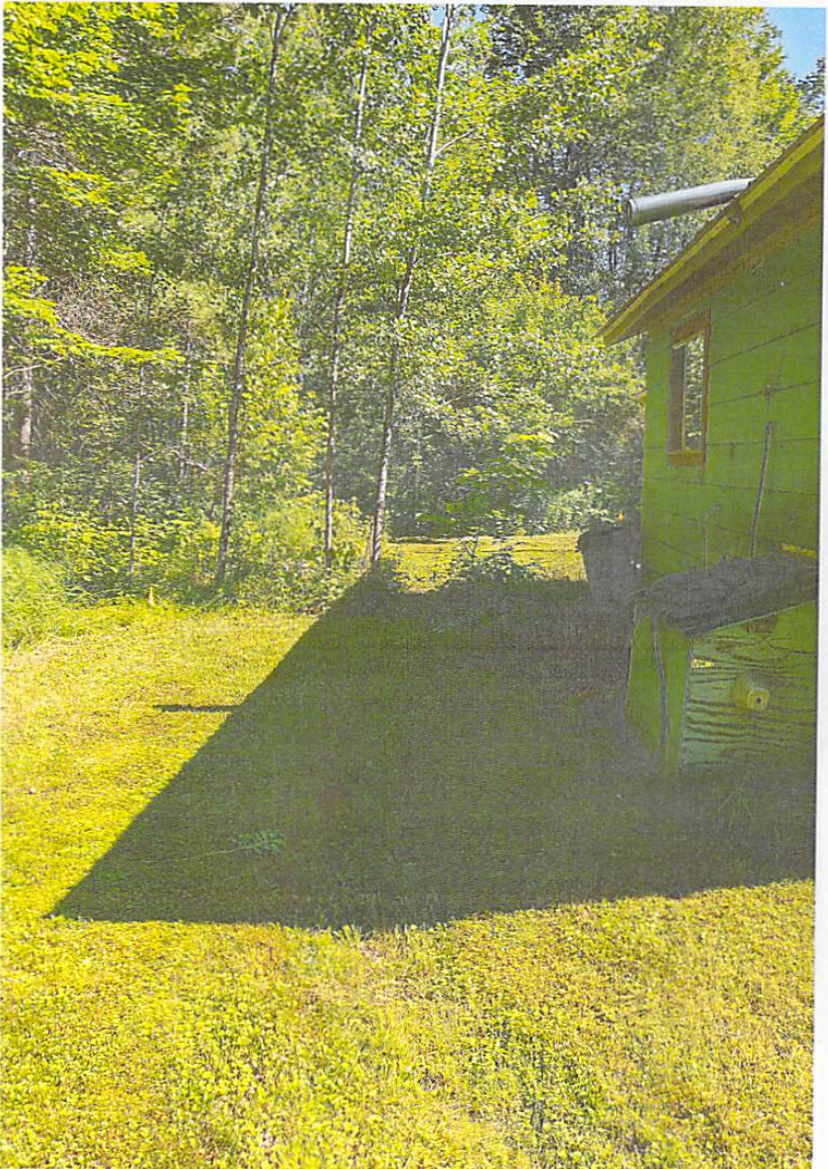
- P.L.S.S. Corner Monument of Record as noted.
- Set 1" O.D. x 18" Iron Pipe wt. 1.13 lbs. per foot.
- Found 1" O.D. Iron Pipe
- Found 1" Angle Iron
- Found Metal Fence Post
- Power Pole
- Septic
- (xxxx) Recorded Data















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:

Frank & Diane Dowell
11244 Siedschlag Rd
Spring Grove, IL

Property Location:

8156N WINDIGO LN
Parcel # 002-940-21-5407

Summary of Request:

The applicant, Frank & Diane Dowell, is requesting a 27.5' setback at the closest point Ordinary High Water Mark (OHWM) variance and 10' setback at the closest point to a 16.5' easement road to build a 26' x 30' (28' x 32' with eaves) detached garage. All other setbacks would be met.

Project History:

This property has not been issued any recent land use permits that the county can locate for this property. The existing 2 bedroom non-conforming cabin that presently existing on the property appears to have been built pre-zoning. There currently is no storage buildings for the property owner to protect his/her personal property. The area the requested garage is to be built has historically been used for outside boat and trailer storage.

The applicant, is applying for relief of Section 6.1, Sawyer County Zoning Shoreland-Wetland Protection Ordinance for a reduced OHWM setback. The required setback for new structures here would be 75' from the OHWM. Additionally, the applicant is applying for relief from section 4.21(6) Sawyer County Zoning Ordinance. The required setback for new structures here would be 30' from the C/L of a private driveway 33' or less in width.

On-site Notes/Comments:

See attached inspection report completed by Pat Brown.

As part of the onsite visit on 07/21/2022 Pat Brown helped the applicant, Frank Dowell measure setbacks and stake out a spot for the proposed garage.

A portion of the site that has been flagged, as aforementioned, has historically been used for open- air boat and trailer parking. It is approximately 200' from the existing cabin. There is an area that would meet setbacks on this property. This area of the property is almost 600' away from the cabin and completely natural. Additionally, it is at the highest point on the Dowell property and would be visually conspicuous.

There would be a 17' (+ -) change in elevation over 55' (+ -) from the existing easement road to the building location. That is calculated at 31% grade. In conversations with Assistant County Conservationist Tim Seidl and myself there would be challenges and worries about post construction site and slope stability. If this variance is approved the property owner/applicant acknowledges that they and future owners would not be able to build on this site in the future.

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):

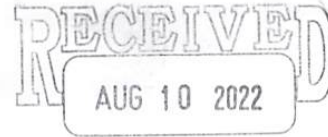
1. The _____ must be removed within _____ days
2. The applicant will allow agents of Sawyer County access to the property to ensure compliance with the terms of this decision, Sawyer County Codes, and State and Federal Laws.

(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 Bass Lake
County of Sawyer



SAWYER COUNTY
ZONING ADMINISTRATION

Variance Application # 22-007

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

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

Owner: Frank & Diane Dowell

Address 11244 Siedschlag Rd Spring Grove, IL 60081

Phone number: 815-354-6312

E-mail address: windigofrank@yahoo.com

Property Description: Prt Gov't Lot 4 Lot 4 CSM 5/296 #1053 Lot A CSM 5/326 #1068

Acreage: 1.48 Zone District: Residential/Recreational One (RR-1)

Application is for:

Construction of a single story 26' X 30' detached garage (28' x 32') with eaves. This structure is proposed to have a 27.5' setback at the closest point to Windigo Lake and a 10' setback at the closest point to C/L of a 16.5' private road easement

Variance is requested as:

Section 6.1, Sawyer County Zoning Shoreland Wetland Protection Ordinance, Shoreland setbacks would require the prior granting of a variance for any structure less than 75' to the OHWM. The proposed variance is requesting a 27.5' setback at the closest point to the OHWM of Windigo Lake. Additionally, Section 4.21(6), Sawyer County Zoning Ordinance, Setbacks Requirements on Highways and Roads setbacks would require the prior granting of a variance for accessory structures less than the required 30' from C/L of a private driveway that is 33' or less in width. The proposed variance is requesting a 10' setback at the closest point to a 16.5' private road easement.

Other Information:

provided on attached worksheet

Signature of Agent(s)

11244 Siedschlag Rd Spring Grove, IL 60081
(815) 354-6312
windigofrank@yahoo.com

Address, Phone & Email

Frank E. Dowell Diane M. Dowell
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 grants permission for access to the property for onsite inspection.

(January 2021) Fee \$750.00

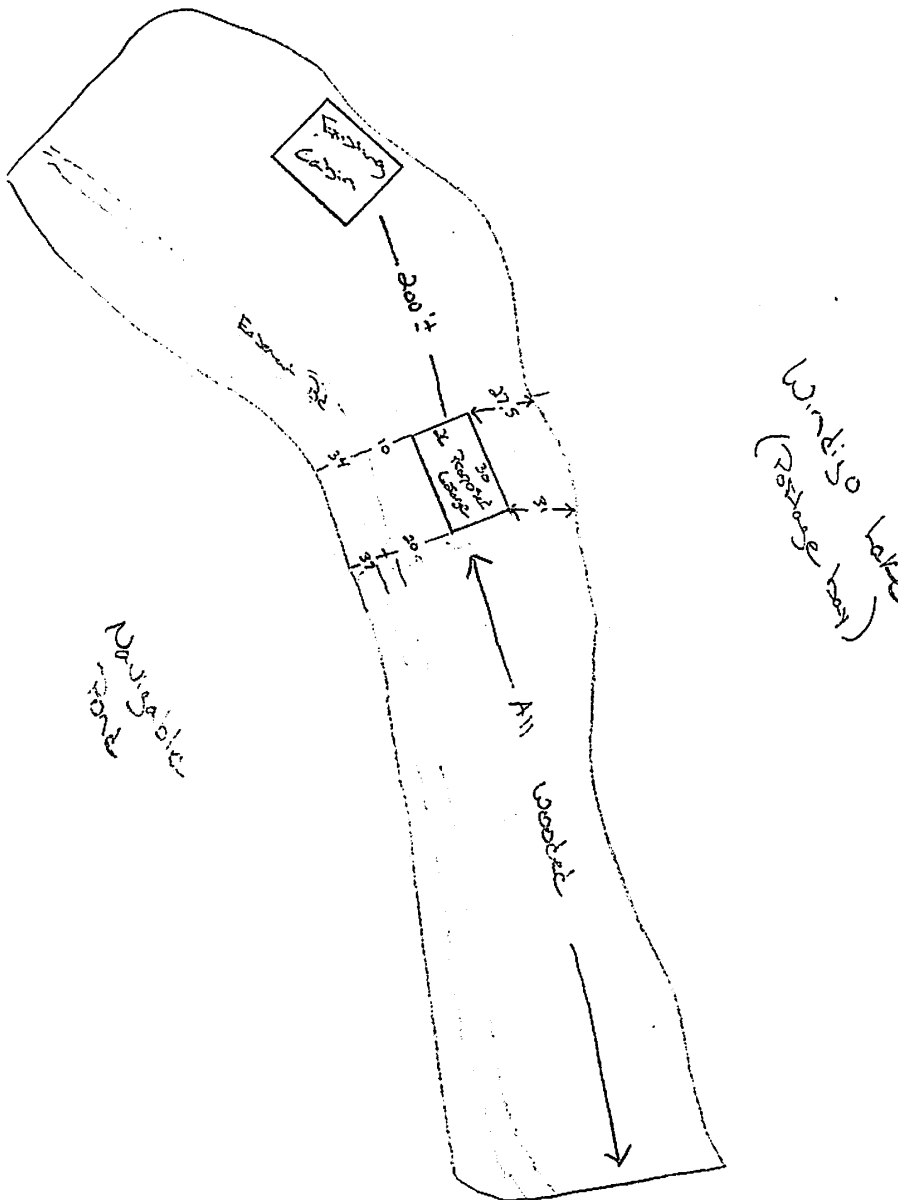
1 of 4

Sawyer County Zoning Administration
Inspection Report

Owner(s) Frank & Diane Dowell
Address 11244 Siedschlag Rd Spring Grove II 60081
Agent/Purchaser N/A
Address N/A
Bldr/Piber/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
☒ Variance application

WD# 345720 1.48 acres RR-1 Lot 4 CSM 5/296 & Lot A CSM 5/326 8156N Windigo Ln



Discussed with Pat Brown and Frank Dowell
Date & Time 7/21/2022 10:30 AM
Signature of Inspector [Signature]

Owner(s) Dowell, Frank & Diane Town of Bass Lake Govt Lot 1/4 1/4 S 21 T 40 N R 09 W
Lot(s) 4 & A Blk(s) Subdivision CSM 5/296 & 5/326 Computer # 002-940-21-5407 Parcel(s) .4.7

application worksheet #1 of 2
supplied information

Part 1. Applicant supplied information

Property contains a 600' square ft, low profile, three season cabin, with a 76' square foot tool shed.

Variance requested. To build a 26' x 30' garage and protective storage building.

If the variance is not granted. The storage building will stop my place from looking like a junkyard.

Part 1, a

Alternative building site; If I build this building in permitted area, I will be destroying more wilderness, and creating more erosion than I am willing to accept.

1, b

No alternative sites have been considered.

Impact on property if variance is granted; Silt fence will be erected to reduce erosion that could contaminate lake. Gutters, downspouts and rain gardens will be erected per advice from a professional with 40 years of experience. Shoreline buffer zone will be planted with White Pine trees.

Part 2: Three step test, 1) Unique property limitations;

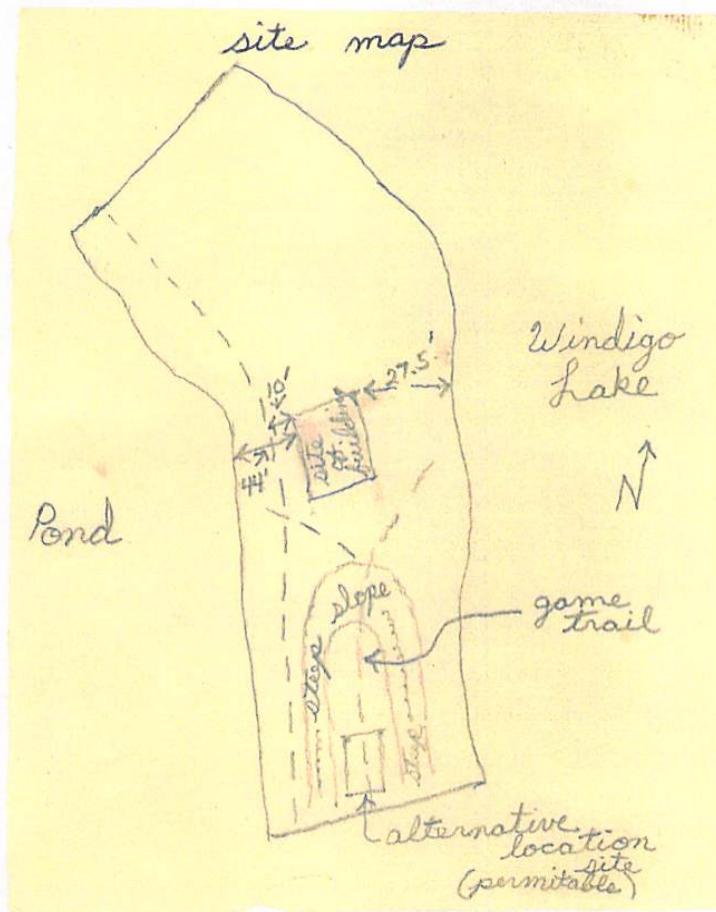
Steep slopes surrounding permitable area. Proposed site is 27.5 feet from Northeast corner ^{of Windigo Lake} center line of private road is 10 feet from Northwest corner, Northwest corner of building will be under ^{44'} 75' from pond.

[page 1 of 2]

application worksheet #2 of 2
supplied information

part 2: Three step test, 2) No harm to public interests;
There will be no harm to public health, safety or
welfare. It will not affect water quality or
fish habitat. It will enhance wildlife habitat
because of the White Pine trees. It will provide
more natural scenic beauty from the lake side.
Property damages will be minimal.

part 2: Three step test, 3) Unnecessary hardship.
Building up on the steep hill will destroy a
heavily used game trail, removing all the
trees to excavate a driveway would destroy
the natural scenic beauty. A building up there
on the hill would be an insult to the
beauty of Windigo Lake.



Real Estate Sawyer County Property Listing

Today's Date: 9/13/2022

Property Status: Current

Created On: 2/6/2007 7:55:07 AM

Description

Updated: 5/23/2017

Tax ID:	3505
PIN:	57-002-2-40-09-21-5 05-004-000070
Legacy PIN:	002940215407
Map ID:	:4.7
Municipality:	(002) TOWN OF BASS LAKE
STR:	S21 T40N R09W
Description:	PRT GOVT LOT 4 LOT 4 CSM 5/296 #1053 LOT A CSM 5/326 #1068
Recorded Acres:	1.480
Calculated Acres:	2.020
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Windigo Lake
Zoning:	(RR1) Residential/Recreational One
ESN:	406

Tax Districts

Updated: 2/6/2007

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

Recorded Documents

Updated: 11/7/2016

WARRANTY DEED	
Date Recorded: 4/11/2007	345720
DESIGNATION OF TOD BENEFICIARY	
Date Recorded: 10/31/2016	403736

Ownership

Updated: 6/18/2007

FRANK & DIANE DOWELL SPRING GROVE IL

Billing Address:

FRANK & DIANE DOWELL
11244 SIEDSCHLAG RD
SPRING GROVE IL 60081

Mailing Address:

FRANK & DIANE DOWELL
11244 SIEDSCHLAG RD
SPRING GROVE IL 60081

Site Address * indicates Private Road

8156N WINDIGO LN * HAYWARD 54843

Property Assessment

Updated: 9/13/2012

2022 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	1.480	161,700	19,100

2-Year Comparison

	2021	2022	Change
Land:	161,700	161,700	0.0%
Improved:	19,100	19,100	0.0%
Total:	180,800	180,800	0.0%

Property History

N/A



