



Sawyer County

Agenda

Zoning Board of Appeals Meeting

Tuesday, July 18, 2023 @ 5:00 PM

Large Courtroom; Sawyer County Courthouse

Page

1. PRELIMINARY MATTERS

- a. Call to Order and Roll Call
- b. State of Committee and Hearing Procedure & Statement of Hearing Notice

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- c. Approval of Minutes for June 20, 2023
[6-20-23 BOA Minutes](#)

2. VARIANCE APPLICATIONS

5 - 25

- a. A Public Hearing in the Town of Round Lake. VAR #23-003. Owners: John & Jeanne Skul. Part of Government Lot 2; S09, T41N, R07W; Parcel #024-741-09-5203; Tax ID#25103; 2.39 total acres; Zoned Forestry One (F-1) & Residential/Recreational One (RR-1). Application is for construction of an attached garage & shop area with 2nd story habitable living area. Option "A" is for a 41' x 26' including 10' x 17.5' bump out area. Proposed expansion to be 2' at the closest point to a non-navigable wetland. Or Option "B" for a 34' x 28' including 10' x 19.5' bump out area. Proposed expansion to be 7' at the closest point to a wetland. Setbacks measured to eaves overhangs which would include additional 2'. Variance requested as Section 6.1 of the Sawyer County Shoreland – Wetland Protection Ordinance would require prior granting of a Variance for any structure closer than 40' to a non-navigable wetland. Option "A" is requesting a 2' setback from eave. Option "B" is requesting a 7' setback from eave. Previous garage Variance was granted in 2007 for a 9' setback. Existing garage would be removed with approved new Variance. Discussion/Action.
[VAR #23-003, John & Jeanne Skul pkt.](#)

26 - 45

- b. A Public Hearing in the Town of Hunter. VAR #23-004. Owners: Richard & Pamela Kamholz and Craig & Angela Strouse. Part of Government Lots 2 & 3; Lot 1 CSM 32/125 #7847; Parcel# 012-740-04-5205; Tax ID#41348; 5.30 total acres; Zoned Residential/Recreational One (RR-1). Application is for the construction of a 27' x 66' (31' x 70') accessory structure, single story. This new garage would replace existing 51' x 26 with 7' x 11' bump out. The proposed accessory structure would be located as close as 25' to an adjacent wetland connected to the high water mark of Reed Lake. Existing structure to

be removed is currently 15' to the adjacent wetland. Variance is requested as Section 6.1 (1) Sawyer County Shoreland – Wetland Protection Ordinance, would require prior granting of a Variance for any new structures not replaced within existing footprint inside a setback distance of 75'. New proposed structure to be placed at 25' replacing existing located at 15' and outside of existing footprint.

Discussion/Action.

[VAR #23-004, Richard & Pamela Kamholtz pkt](#)

3. APPEALS

- a. None

4. NEW BUSINESS

- a. a) Any other business that may come before the Board.
(Discussion only)

5. ADJOURNMENT

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEALS
June 20, 2023**

Board of Appeals

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

Zoning Administration

Jay Kozlowski, 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 5:00 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll call finds present: Al Gerber, Laura Rusk, Steve Kelsey, James Tiffany and Dee Dobilas. Kozlowski and Marks are present from the Zoning Office.

b) 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.

c) Approval of February 21, 2023 Minutes. Motion by Dobilas to approve the February 21, 2023 minutes as presented. Second by Kelsey. All in favor.

VARIANCE APPLICATION

a) A Public Hearing in the Town of Edgewater. VAR #23-001. Owner: Crystal Springs Condominium Association, Inc. Chrystal Springs Condominium; S05, T37N, R09W; Parcel #008-210-00-0100 through 0500; 1.51 total acres; Zoned Residential/Recreational One. Application for the construction of a detached accessory structure (garage) for a 5-unit condo. The size of the proposed garage is requested as 18'5" x 60' (20.5' x 62') including eaves. This would replace an existing garage that is 18.5' x 36.5'. The garage would be located 18.5' at the closest point to the centerline of Hwy F. Variance requested as: Section 4.21 (2) of the Sawyer County Zoning Ordinance would require the prior granting for any structure closer than 75' to the centerline of a County Highway. The proposed is being requested at 38.5' to the centerline. Kozlowski reads the application, staff report, Town opinion, No returned comment letters. John Vardas, Chrystal Spings Condo speaks in favor of the

application. Discussion with Board. Linda Zillmer, Edgewater property owner speaks against the application. No other comments. Discussion by Board. Gerald Voelliger, owner of cabin #3 speaks in favor of the application. Board discussion continues. Motion by Kelsey to approve the application with a rain garden approved by the Zoning Department and application as presented. Second by Tiffany. Discussion by Board. All in favor. Findings of Fact: 1) A permitted use is not possible on this property without a variance approval. 2) The circumstances are beyond the control of the applicant, and are unique to the property not the applicant. 3) The lot precedes zoning regulations. 4) The construction matches the lot and available area. 5) Very little or no buildable area exists. 5) The buildable area lot is very narrow. 6) The lot depth is very shallow. 7) Steep slopes exist. 8) The setbacks overlap here. 9) Erosion exists. 10) This would make a bad situation better. 11) The proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed. 12) Removal of dilapidated building has no harm to public.

b) A Public Hearing in the Town of Hayward. VAR #23-002. Owner: Scott Daul & Daniel Daul. Part of Government Lot 4; S36, T41N, R08W; Parcel #010-841-36-5415; .380 total acres; Zoned Residential/Recreational One.. Application for the construction of a 20' x 60' deck area to provide flat access area for ADA compliance for a bar/restaurant area called "The Dock". Also to provide additional table areas for outdoor seating. The proposed deck area would be located as close as 9' to the high water mark of Round Lake. Variance requested as: Section 6.1 (1) Sawyer County Shoreland-Wetland Protection Ordinance, would require the prior granting of a Variance for any structures closer than 75' to the ordinary high water mark. The proposed 20' x 60' deck would be located 9' at the closest point. Kozlowski reads the application, staff report, Town opinion, DNR denial letter and opinion letters. Daniel Daul, owner speaks in favor of the application. Discussion with Board and Kozlowski. Linda Zillmer, Edgewater property owner speaks against the application. Ben Kurtzweil, Hayward speaks against the application and setting a presidents. Daniel Daul, owner speaks with Board. No other comments. Discussion by Board and Kozlowski. Motion by Gerber to deny the application as presented, findings with DNR denial letter, 70% impervious surface and only 9' from OHWM. Second by Rusk. Discussion held. Vote finds 4 to one in favor.

NEW BUSINESS

a) Any new business that may come before the Board. Gerber asks if 5pm meetings are working, everyone agrees. Kozlowski informs that the members that the re-elections were approved by the County Board. Discussion held regarding Council representation. Board requests that Kozlowski to be kept notified of the Multi-Dwelling/Resorts and Tourist Rooming House progress.

b) Any other business that may come before the Board for discussion.

ADJOURNMENT

Motion made by Kelsey to adjourn, second by Rusk. All in favor. 6:55 pm

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator



Sawyer County Zoning & Conservation Department

10610 Main Street, Suite 49

Hayward, WI 54843

jay.kozlowski@sawyercountygov.org

Fax (715) 638-3277

(715) 634-8288

VARIANCE REQUEST STAFF REPORT

Applicant:

John & Jeanne Skul
801 Shooting Star Cir
Deforest, WI 53532

Property Location:

Town of Round Lake. Part of Government Lot 2; S09, T41N, R07W; Parcel #024-741-09-5203; Tax ID#25103; 2.39 total acres; Zoned Forestry One (F-1) & Residential/Recreational One (RR-1). Site address: 11582N Lower Twin Lake Road

Summary of Request:

The applicant(s) are requesting a variance for the construction of an attached garage & shop area with 2nd story habitable living area. The applicants have identified 2 different options as part of their request. Option "A" is for a 41' x 26' addition including a 10' x 17.5' bump out area. Proposed expansion to be 2' at the closest point to a non-navigable wetland. Option "B" would be for a 34' x 28' addition including 10' x 19.5' bump out area. Proposed expansion to be 7' at the closest point to a wetland. Setbacks measured to eaves overhangs which would include additional 2'. Variance requested as Section 6.1 of the Sawyer County Shoreland – Wetland Protection Ordinance would require prior granting of a Variance for any structure closer than 40' to a non-navigable wetland. All other setbacks are to be met. Previous garage Variance was granted in 2007 for a 9' setback. Existing garage would be removed with approved new Variance.

Project History/On-site Notes/Comments:

An onsite inspection was conducted on 5/01/23 by Jay Kozlowski. At the time of onsite the proposed expansion area was laid-out on the property. The applicants have been planning some type of expansion for this property over the last few years. A previous onsite back in 2021 was looking at utilizing the existing garage area and trying to attach the existing house to the existing garage. This type of expansion had some very unique angles that would be very difficult to structurally design and connect. The current variance request would instead remove the existing garage and create a straight-line addition onto the existing house and into a newly constructed garage with habitable living area above. If the garage is connected to house it is all treated as part of the same principal structure and habitable area above the garage is allowed.

Ultimately, there are 2 separate options in which the applicants have requested the variance for. Option A

as part of the variance request would be slightly wider but not as deep and would have a total footprint area of 1,241 sq ft. Option B isn't as wide but would be deeper and would have a total footprint area of 1,147 sq ft. Option A would have a 2' setback from the cave to a non-navigable wetland and Option B would have a 7' setback from the eave to the wetland at the closest point.

The existing 24' x 24' garage on the property was approved by variance in 2007 with a 9' setback granted to the wetland. The existing garage would be removed with any new variance approval. Other locations were explored during the onsite inspection as well. There is some area to expand off the front of the house going closer to the road/lake but this area has some topography challenges, a sewer system location and alternative drainfield location, and would not be aesthetically pleasing as it would block the view of the lake with the placement of a larger garage. It was also proposed to the applicant if they could purchase additional land to the North and build off the other side of the house which gets further away from the wetland. This adjacent parcel is a vacant land owner and the Skul's have tried reaching out to the owner multiple times without success.

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):

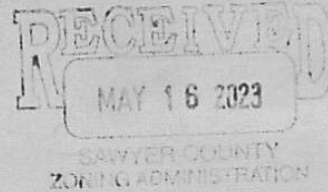
1. The _____ must be removed within _____ days
2. The applicant will allow agents of Sawyer County access to the property to ensure compliance with the terms of this decision, Sawyer County Codes, and State and Federal Laws.

(Tabled): The requested variance is **tabled** to the () business meeting or () public hearing scheduled for _____, 2023.

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



Town of HAYWARD
County of Sawyer



Variance Application # 23-003

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

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

Owner: JOHN C. & JEANNE L. SKUL
Address: 11582 N. LOWER TWIN LAKE RD.
Phone number: 864.237.4386 E-mail address: JCSKUL@GMAIL.COM

Property Description: Pct Grant lot 2, Sec 9, T41N, R07W Parcel # 024-741-09-5203
Site address 11582N lower twin lake road

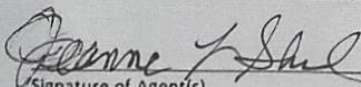
Acreage: 2.39 Zone District: RR-1/F-1

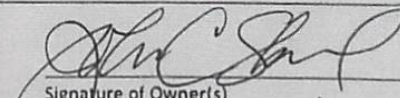
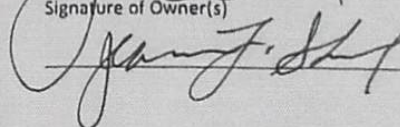
Application is for:
construction of attached garage and shop area with 2nd story habitable living area. Option A is for a 41'x26' including 10'x17.5' bump out area. Proposed expansion to be 2' at the closest point to a non-navigable wetland. OR option B for a 34'x28' including 10'x19.5' bump out area. Proposed expansion to be 7' at closest point to wetland. Setbacks measured to caves which would include additional 2'.

Variance is requested as:
Section 6.1 Sawyer County Shoreland - wetland protection Ordinance would require prior granting of a Variance for any structure closer than 40' to a non-navigable wetland. Option A is requesting a 2' setback, Option B is requesting a 7' setback. Previous garage Variance was granted in 2007 for a 9' setback. Existing garage would be removed with approved new Variance.

Public Hearing Date: 7-18-2023

Other Information:


Signature of Agent(s)
JEANNE L. SKUL


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 John & Jeanne Skul

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

Part 1. Applicant supplied information.

Current use of your property & improvements –

Property was purchased as a 4-season vacation cabin with detached garage but as of July 14, 2023 it will be primary residence.

Describe the variance requested –

Option A: Add an attached habitable living area with garage/workshop below measuring 41' x 26' including a 10' x 17.5' bump out.

Option B: Add an attached habitable living area with garage/workshop below measuring 34' x 28' including a 10' x 19.5' bump out.

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

We have sold our home in Madison and this property will become our primary residence as of mid-July. The new addition is required for year-round living. The size of the current cabin would not be able to accommodate us as a primary residence.

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.
 - Move septic system and well and build towards lake but we are limited by road setback and minimum distance to adjacent property line.
 - Add second story to existing cabin but the current structure would not support additional floor above.
 - Sell and purchase, limited real estate availability within budget.
- b) Alternatives you considered that require a lesser variance and reasons you rejected them.
 - Demo existing structure and re-build but loss of equity would prohibit that.

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

There are no other structures directly adjacent to the property, only vacant land which also contains wetland. There will be no impact. Erosion during construction will be controlled with silt fencing and other means chosen by contractors.

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.

There is a wetland area that extends around one side of the cabin and also behind the cabin. We are essentially land locked. See included Sawyer County Zoning Inspection Report/Sketch.

☐ **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.

See next...

The existing cabin is across the road from the lake surrounded by trees and wetland. The proposed addition would be a visual upgrade and blend with the landscape, blocked by numerous trees. With the proposed addition, the property would

increase surrounding home values and we would be contributing more to the county tax base.

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.

Improvements to the property are limited by the surrounding wetland, adjacent vacant property, and road setbacks. We want to make this our permanent residence and size limitations of the current structure will prevent this.

☐ **No.** A variance cannot be granted.

Sawyer County Zoning Administration
Inspection Report

Owner(s) John & Jeanne Skul
Address 801 Shooting Star Cir Deforest, WI 53532
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
☒ House Addition & Garage Expansion - Variance Required

WD# 401463 2.39 Acres RR-1/F-1 #11582N Lower Twin Lake Road

Lot(s) _____

Blk(s) _____

Subdivision _____

Owner(s) SKUL, JOHN & JEANNE

Town of ROUND LAKE

Govt Lot PRT 2

1/4

1/4

S 09

T 41 N

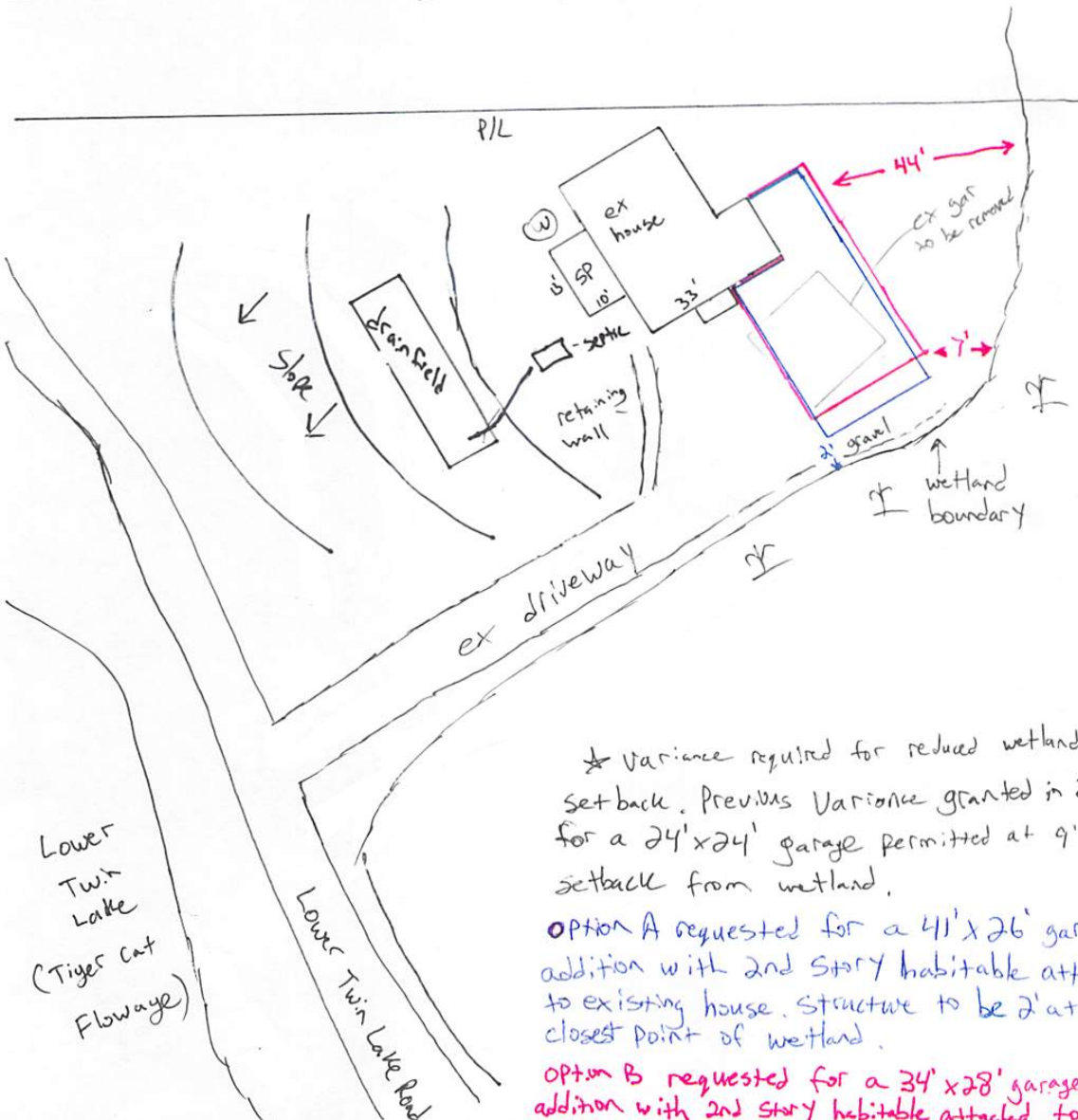
R 07
W

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Parcel(s) :2.3



proposed impervious surfaces with variance approval
to be approximately 6.4%



* Variance required for reduced wetland setback. Previous Variance granted in 2007 for a 24'x24' garage permitted at 9' setback from wetland.

Option A requested for a 41'x26' garage addition with 2nd story habitable attached to existing house. Structure to be 2' at closest point of wetland.

Option B requested for a 34'x28' garage addition with 2nd story habitable attached to existing house to be 7' at closest point to wetland!

Discussed with John & Jeanne Skul and Jay Kozlowski

Date & Time 05/01/23 9:00 AM

Signature of Inspector _____

Real Estate Sawyer County Property Listing

Today's Date: 5/9/2023

Property Status: Current

Created On: 2/6/2007 7:55:42 AM

Description	Updated: 5/19/2017
Tax ID:	25103
PIN:	57-024-2-41-07-09-5 05-002-000030
Legacy PIN:	024741095203
Map ID:	:2.3
Municipality:	(024) TOWN OF ROUND LAKE
STR:	S09 T41N R07W
Description:	PRT GOVT LOT 2
Recorded Acres:	2.390
Calculated Acres:	1.906
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Lower Twin Lake Tiger Cat Flowage
Zoning:	(F-1) Forestry One (RR1) Residential/Recreational One
ESN:	404

Tax Districts	Updated: 2/6/2007
1	State of Wisconsin
57	Sawyer County
024	Town of Round Lake
572478	Hayward Community School District
001700	Technical College

Recorded Documents	Updated: 6/16/2016
WARRANTY DEED	
Date Recorded: 6/10/2016	401463
MAP OF SURVEY	
Date Recorded: 10/20/2014	9417-22
WARRANTY DEED	
Date Recorded: 6/2/2006	339195

Ownership	Updated: 6/16/2016
JOHN C & JEANNE L SKUL	DEFOREST WI

Billing Address:	Mailing Address:
JOHN C & JEANNE L SKUL	JOHN C & JEANNE L SKUL
801 SHOOTING STAR CIR	801 SHOOTING STAR CIR
DEFOREST WI 53532	DEFOREST WI 53532

Site Address	* indicates Private Road
11582N LOWER TWIN LAKE RD	HAYWARD 54843



Property Assessment

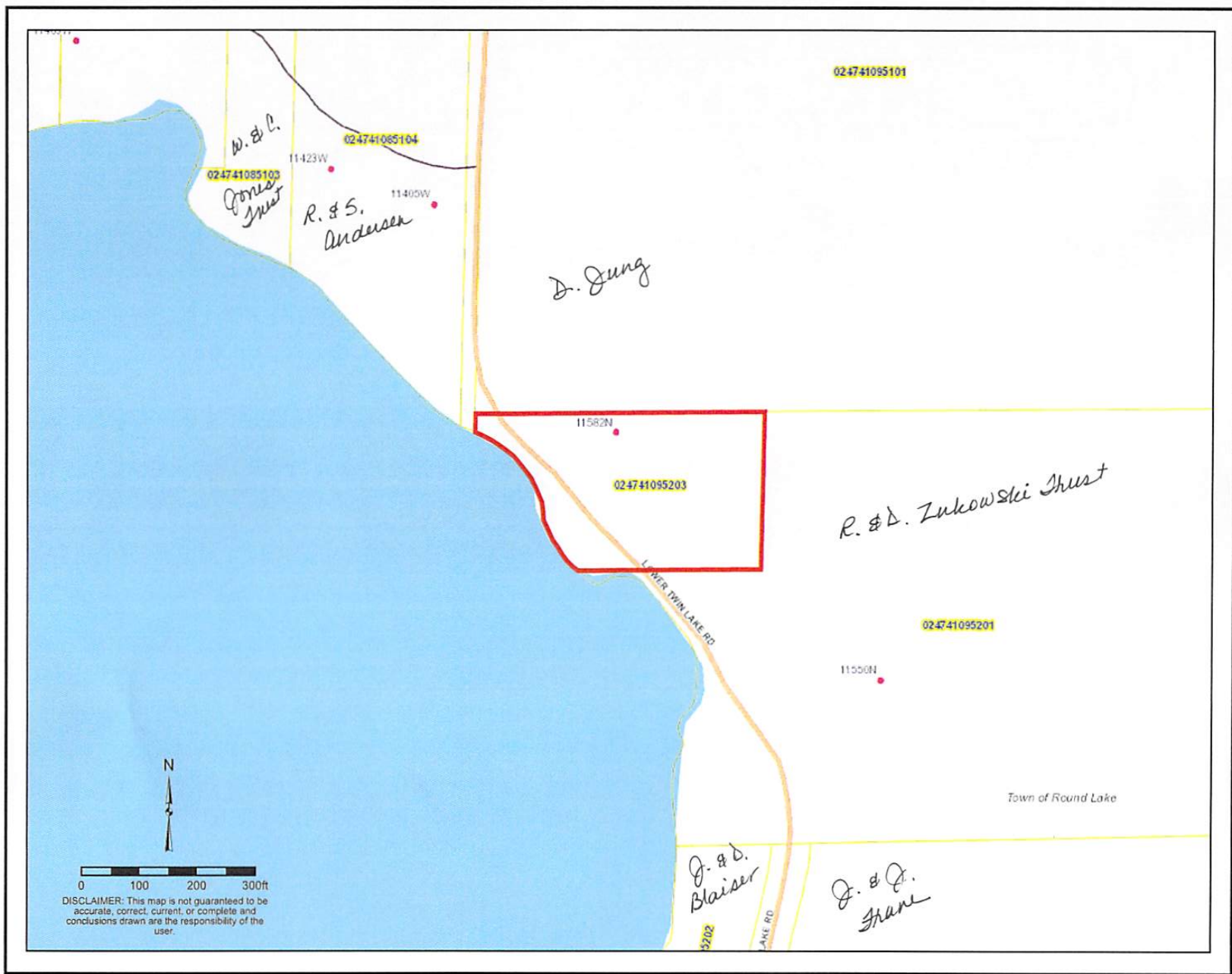
Updated: 7/16/2019

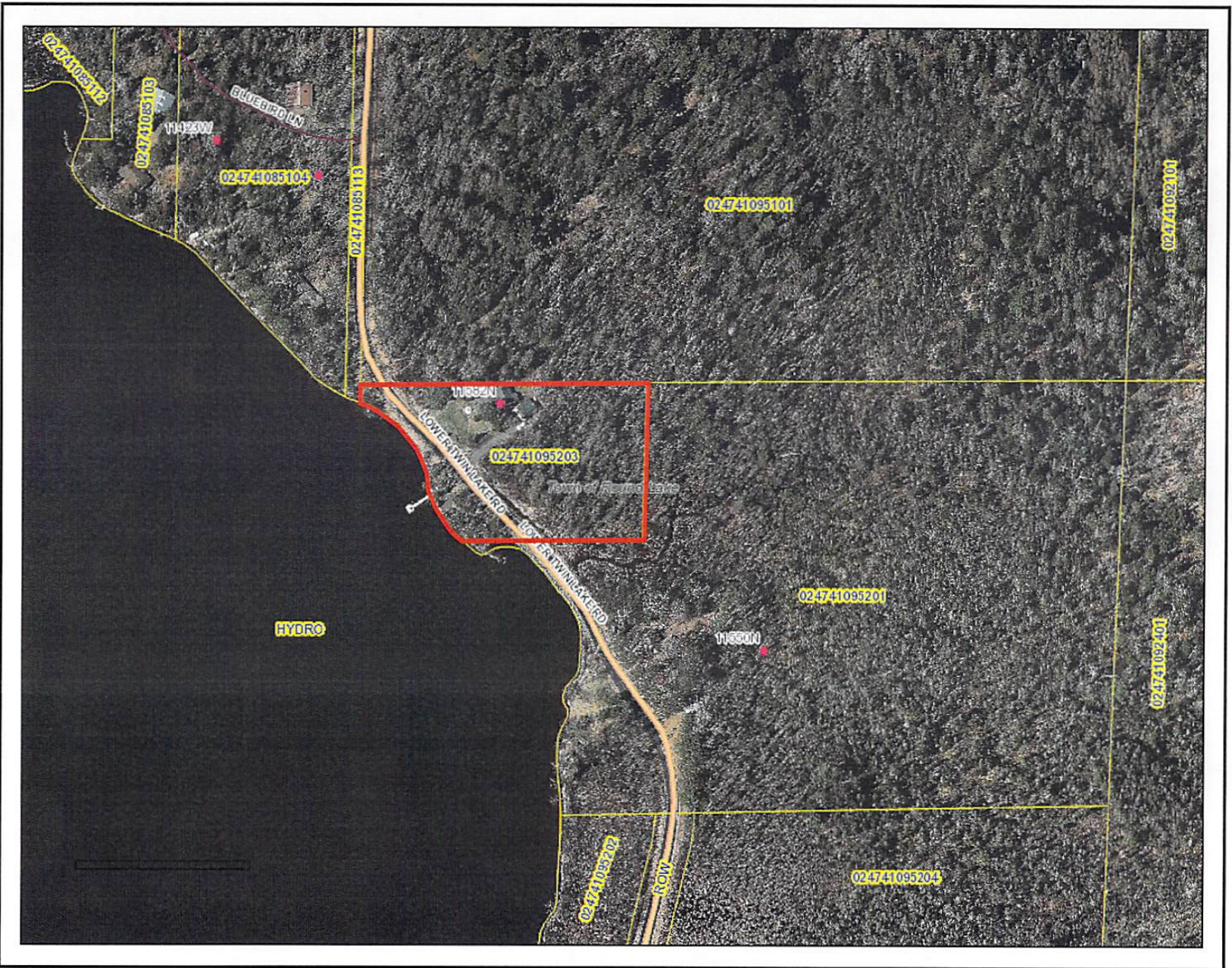
2023 Assessment Detail			
Code	Acres	Land	Imp.
G1-RESIDENTIAL	1.000	80,000	137,200
G5-UNDEVELOPED	1.390	400	0

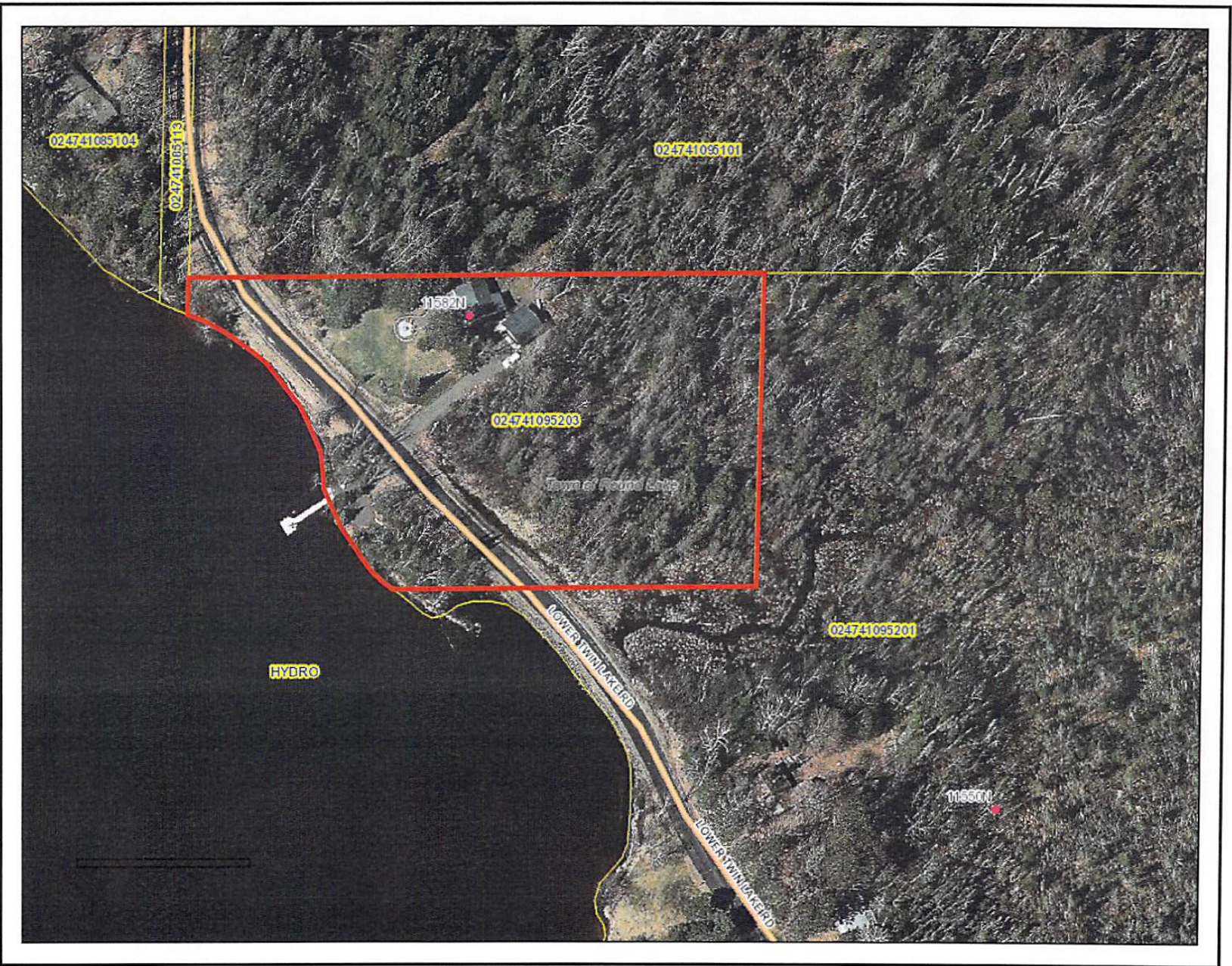
2-Year Comparison	2022	2023	Change
Land:	80,400	80,400	0.0%
Improved:	137,200	137,200	0.0%
Total:	217,600	217,600	0.0%

Property History

N/A

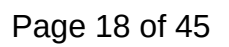






SANITARY PERMIT NUMBER: 95-361

SANITARY PERMIT NUMBER: 95-361





Surface Water Data Viewer Map



Legend

- Wetland Identifications and Confirmations
- Wetland Class Points
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
- Filled Points
- Wetland Class Areas
 - Wetland
 - Upland
- Filled Areas
- NRCS Wetspots
- Maximum Extent Wetland Indicators

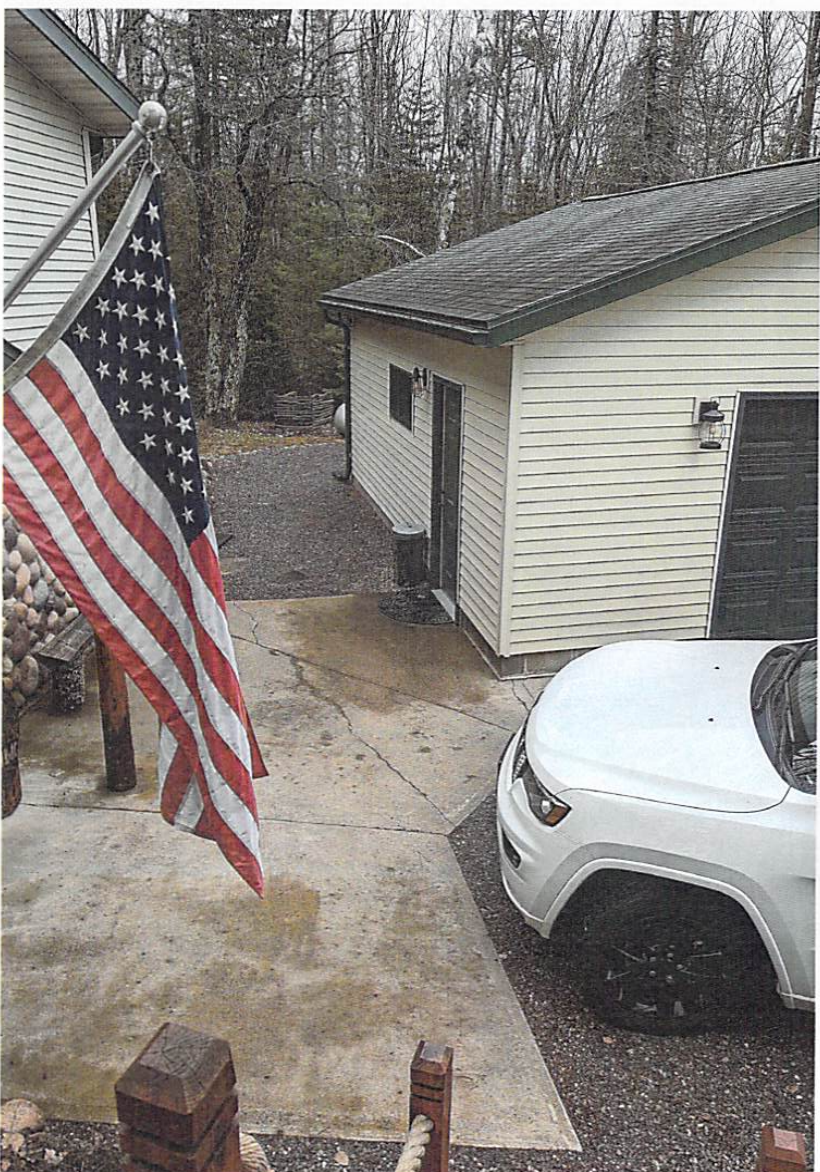
Notes

0.0 0 0.02 0.0 Miles

NAD_1983_HARN_Wisconsin_TM

1: 990

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











Office of
Sawyer County Zoning Administration

P. O. Box 676
Hayward, Wisconsin 54843

(715)634-8288
FAX (715)638-3277

www.sawyercountygov.org

E-mail: zoning_sec@sawyercountygov.org

Toll Free Courthouse/General Information 1-877-699-4110

January 18, 2007

John and Rose Minalt
6N265 James Court
Medinah IL 60157

Dear Mr. and Mrs. Minalt,

On January 16, 2007, the Sawyer County Board of Appeals **approved** your application for variance on the following described real estate to wit:

Part of Govt Lot 2, S 9, T 41N, R 7W, Parcel :2.3. Doc #339195. 3 acres total. Property is zoned Residential/Recreational One. Application is for the construction of a 24'x24' (26'x26' with eaves) single story detached garage at a setback distance of 9'/13' to an adjacent wetland area. Variance is requested as Section 4.49(1), Sawyer County Zoning Ordinance, would require a minimum setback distance of 40' to this wetland. No decision received from the Town Board.

The Board of Appeals approved the application with a two-year time limit.

Findings of Fact of the Board of Appeals: Because of the unique property and its wetland. It is not a self-created hardship. Not for the convenience of the owner, in this area garages are a need. There would be no change in the use in the zone district.

Any person or persons jointly aggrieved by this decision of the Board of Appeals may commence an action in the Circuit Court for Writ of Certiorari to review the legality of this decision within 30 days after the date of this notice. In future correspondence, or in applying for permits, please refer to Variance **07-001**.

Yours truly,

Cindy K. Yackley
Deputy Zoning Administrator

CKY:kt



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:

Richard & Pamala Kamholz
9598 N Reed Lake Rd
Hayward, WI 54843

Property Location:

Town of Hunter. Gov't lot(s) 2 & 3, Lot 1 CSM #7847; Sec 04 T40N R07W. Parcel #012-740-04-5205.
5.3 total acres zoned Residential/Recreation-One (RR-1).

Summary of Request:

The applicant(s) are requesting a variance for the construction of a 27' x 66' (31' x 70') 1-story accessory building with eaves. The proposed structure would be located 25' to the closest point of a wetland adjacent to navigable water which requires a 75' setback. This proposed structure would replace an existing 51' x 26' with 7' x 11' bump out accessory structure located 5' and 15' to the adjacent wetland.

Project History/On-site Notes/Comments:

An onsite inspection was conducted on 5/2/23 by Pat Brown. At the time of onsite a proposed building location was laid-out on the property for a 27' x 66' (31' x 70' with eaves) 1-story accessory building. The building footprint was set in such a way that it would slide further away (north) from the wetland and take up the majority of the existing accessory building footprint. There will be an additional 379 sq. ft. in the proposed building vs the existing square footage. If the variance is approved the property owner would remove the existing accessory building located 19' to OHWM of Reed lake.

Because of the property layout, history, and location between wetlands and navigable water this area is the only area near to the cabins/dwelling(s) the applicant can build. Compliant building area would be located 400+ feet away from dwelling unit(s). Additionally, the property owner would have the ability to rebuild this structure in the existing footprint and an existing accessory building located 19' to the OHWM of Reed Lake with something like or similar in use if this variance is denied.

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):**

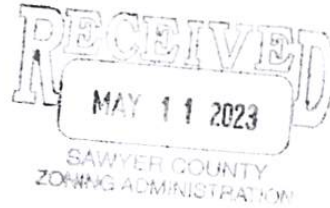
1. The _____ must be removed within _____ days
2. The applicant will allow agents of Sawyer County access to the property to ensure compliance with the terms of this decision, Sawyer County Codes, and State and Federal Laws.

(Tabled): The requested variance is **tabled** to the () business meeting or () public hearing scheduled for _____, 2023.

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 Hunter
County of Sawyer



Variance Application # 23-004

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

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

Owner: Richard Kamholz & Craig Strouse

Address: 9598 N. Reed Lake Rd

Phone number: 608-774-9688 E-mail address: HAWKINS5881@GMAIL.COM

Property Description: PAT GOVT LOT 2 & 3 LOT 1 CSM # 7847
S4T40N R207W 012740045205

Acreage: 5.3 Zone District: RR1

Application is for: Construction of a 27' x 66' (31' x 70') accessory structure, single story. This new garage would replace existing 51' x 26' with 7' x 11' bump-out. The proposed accessory structure would be located as close as 25' to an adjacent wetland connected to the high water mark of Reed Lake. Existing structure to be removed is currently 15' to adjacent wetland.

Variance is requested as: Section 6.1(1) Sawyer County Shoreland - wetland protection ordinance would require prior granting of a variance for any new structures not replaced within existing footprint inside a setback distance of 75'. New proposed structure to be placed at 25' replacing existing located at 15' and outside of existing footprint

Public Hearing Date: July 18, 2023
Other Information:

Signature of Agent(s)

R. Kamholz
Signature of Owner(s)

RICH KAMHOLZ

The above person(s) hereby make application for a variance. The above certify that the listed information and intentions are true and correct. The above person hereby gives permission for access to the property for onsite inspection.
(January 2021) \$750.00

Real Estate Sawyer County Property Listing

Today's Date: 5/11/2023

Property Status: Current

Created On: 7/25/2012 7:48:12 AM

Description	Updated: 7/25/2012
Tax ID:	41348
PIN:	57-012-2-40-07-04-5 05-002-000050
Legacy PIN:	012740045205
Map ID:	:2.5
Municipality:	(012) TOWN OF HUNTER
STR:	S04 T40N R07W
Description:	PRT GOVT LOTS 2 & 3 LOT 1 CSM 32/125 #7847
Recorded Acres:	5.300
Lottery Claims:	1
First Dollar:	Yes
Waterbody:	Reed Lake
Zoning:	(RR1) Residential/Recreational One
ESN:	443

Tax Districts	Updated: 7/25/2012
1	State of Wisconsin
57	Sawyer County
012	Town of Hunter
572478	Hayward Community School District
001700	Technical College

Recorded Documents	Updated: 7/25/2012
WARRANTY DEED	
Date Recorded: 9/4/2019	419706
TRANSFER ON DEATH DEED	
Date Recorded: 6/25/2014	390984
CERTIFIED SURVEY MAP	
Date Recorded: 7/23/2012	379814
QUIT CLAIM DEED	
Date Recorded: 12/2/1994	245519 545/73

Ownership	Updated: 9/16/2019
RICHARD A & PAMELA A KAMHOLZ	HAYWARD WI
CRAIG L & ANGELA I STROUSE	EDGERTON WI

Billing Address:	Mailing Address:
RICHARD A & PAMELA A KAMHOLZ	RICHARD A & PAMELA A KAMHOLZ
9598N REED LAKE RD	9598N REED LAKE RD
HAYWARD WI 54843	HAYWARD WI 54843

Site Address	* Indicates Private Road
9598N REED LAKE RD	HAYWARD 54843
9594N REED LAKE RD	HAYWARD 54843



Property Assessment

Updated: 7/12/2021

2023 Assessment Detail			
Code	Acres	Land	Imp.
G1-RESIDENTIAL	5.300	147,300	175,400
2-Year Comparison			
	2022	2023	Change
Land:	147,300	147,300	0.0%
Improved:	175,400	175,400	0.0%
Total:	322,700	322,700	0.0%

 **Property History**

Parent Properties	Tax ID
57-012-2-40-07-04-5 05-002-000030	14846

HISTORY [Expand All History](#) White=Current Parcels Pink=Retired Parcels

Tax ID: 14846 **PIN:** 57-012-2-40-07-04-5 05-002-000030 **Leg. Pin:** 012740045203 **Map ID:** :2.3

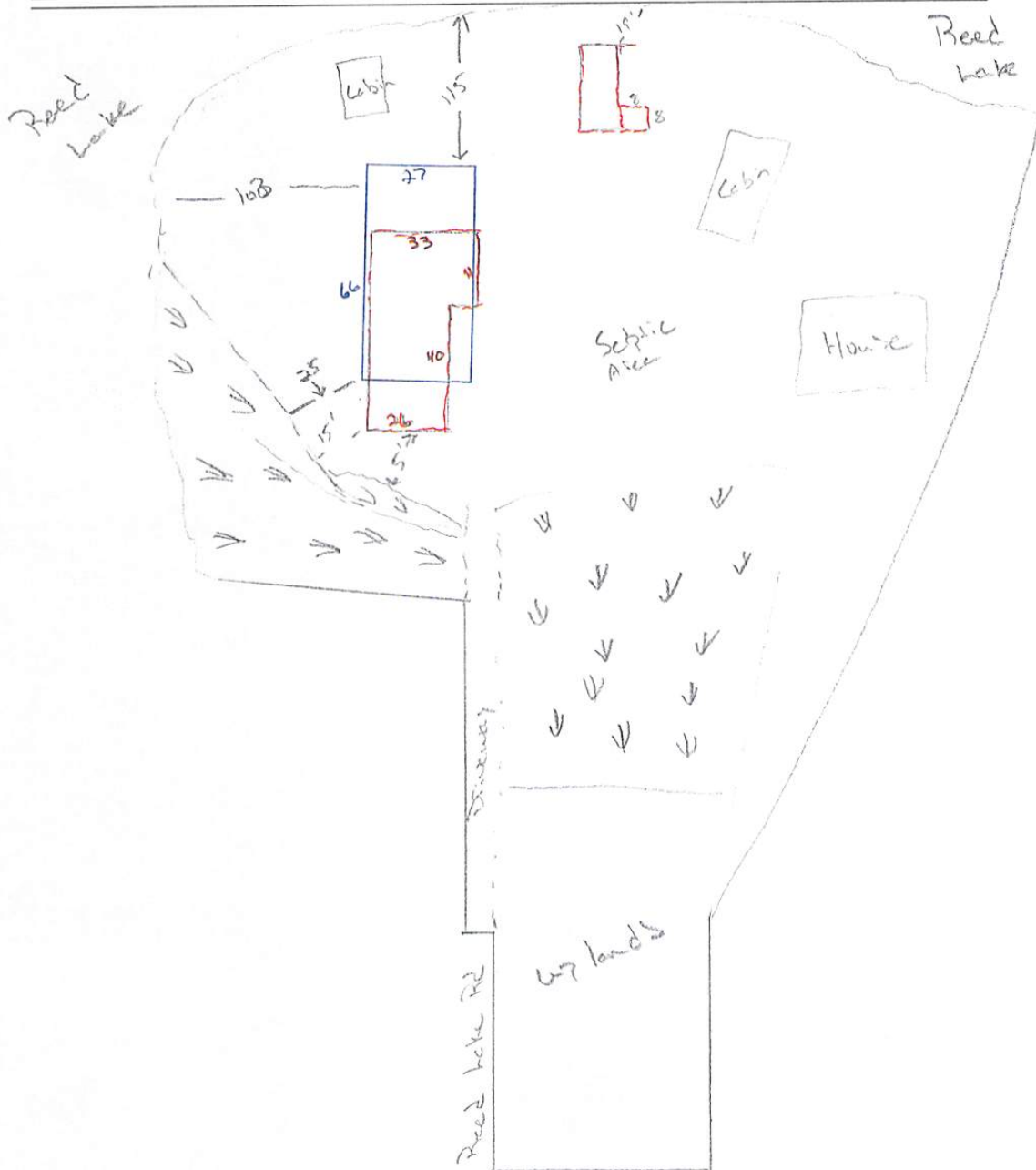
41348 This Parcel [↑ Parents](#) [↓ Children](#)

**Sawyer County Zoning Administration
Inspection Report**

Owner(s) Richard Kamholz & Craig Strouse
 Address 9598 N Reed Lake Rd Hayward, WI 54843
 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
☐ _____

9598N & 9594N Reed Lake Rd Warrenty Deed 419706 RR-1 5.3 acres



Discussed with Pat Brown and Rich Kamholz
 Date & Time 5/2/2023 10:00 AM
 Signature of Inspector [Signature]

Lot(s) _____ Blk(s) N/A Subdivision _____
 Computer # 012-740-04-5205 Parcel(s) :2.5
 Owner(s) Richard Kamholz & Craig Strouse Town of Hunter Govt Lot PRT2&3 1/4 1/4 S 04 T 40 N R 07 W

APPLICATION FOR VARIANCE ADDITIONAL PAGES

COMPLETED BY RICHARD A. KAMHOLZ

Part 1.

Current use of your property & improvements:

The property currently contains a full time residential home with 2 cabins (1 used for occasional guests, the second cabin occupied part time by property co-owners, Craig and Angela Strouse). There is also a detached garage and a fourth building currently being used for storage.

Describe the variance requested:

Tear down of the existing garage and rebuild the entire building with additional 15 feet in length and 1 foot added to the width, for a total measurement of 66 feet long by 27 feet wide. The garage would also be moved 15 feet to the north. Conditional tear down of additional storage building close to the northern shoreline if variance is granted.

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

The addition is required to accommodate year round living of two families, since the property co-owner, Craig Strouse will soon be occupying the property approximately 9-10 months out of the year. The existing garage will be closer to the wetland than the proposed variance, and the second storage unit close to the shoreline will not be able to be eliminated. It will also protect the value since the existing building is starting to fall apart and it has become an eye sore.

Describe alternatives to the requested variance such as other locations.

a) Alternatives considered that will comply with existing standards.

The only alternative to the variance is to rebuild the current garage and additional storage building in their existing footprints. This is being rejected in order to consolidate the two buildings, which will eliminate the smaller storage building that is too close to the shoreline by current standards. It would also move the larger garage further away from the lowland that is behind it.

b) Alternatives considered that would required a lesser variance and reasons you rejected them:

The addition is the minimum size needed to maintain the current square footage of storage on the property if the smaller storage building is removed.

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

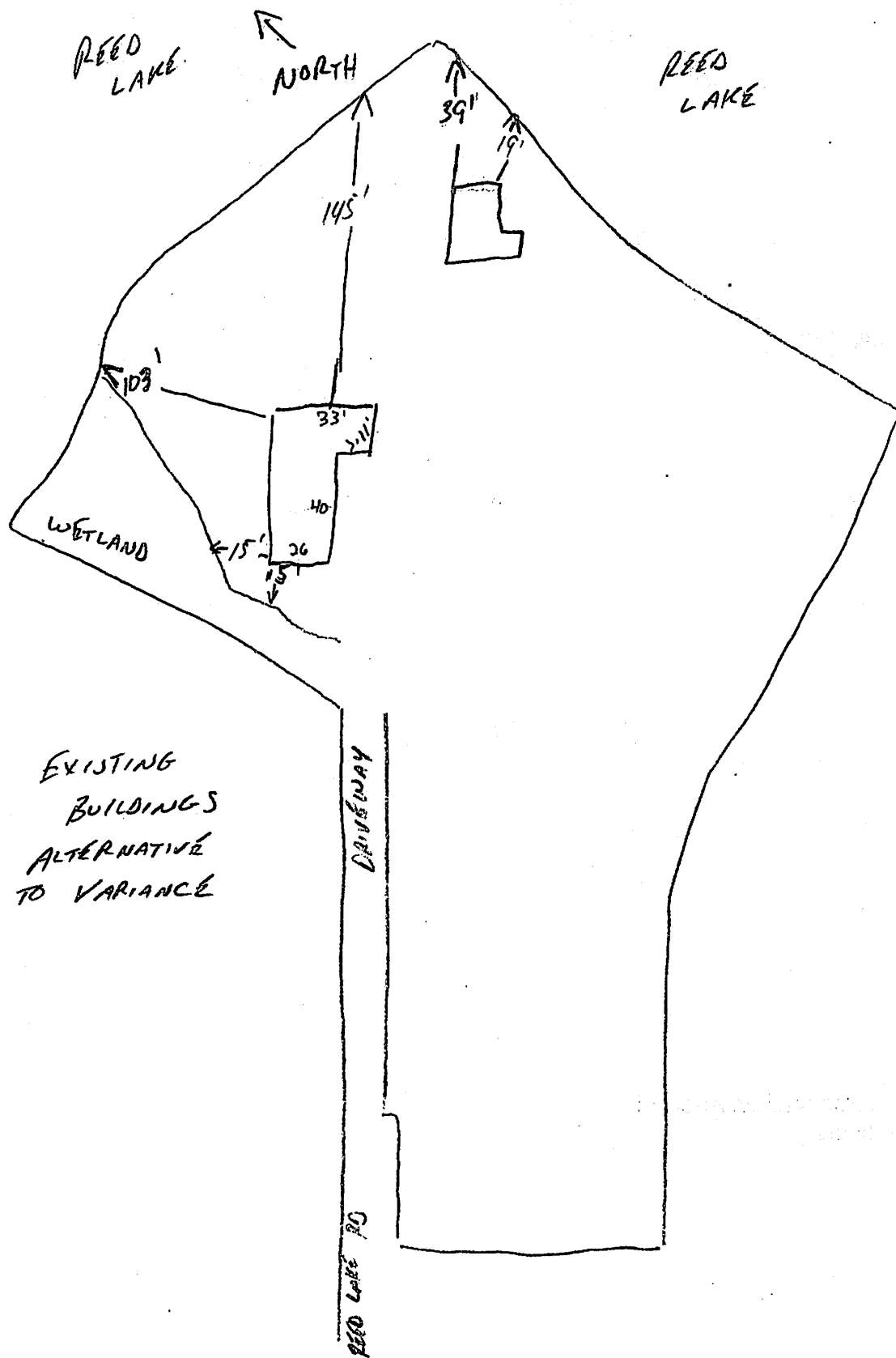
The impact will be positive since the impervious surface area will remain largely the same for the entire property. Precautions such as silt fencing will be taken to prevent erosion during construction, and I am willing to plant additional native plants and trees to increase the shoreline/lowland buffer. It will also help that the new garage will actually be further away from the lowland if the variance is granted. In addition to eliminating the smaller storage building that is currently approximately 38 feet from the northwest corner and 19 feet from the northeast corner to the lake shoreline. Adjacent properties will benefit by increasing the natural beauty of the shoreline on my property.

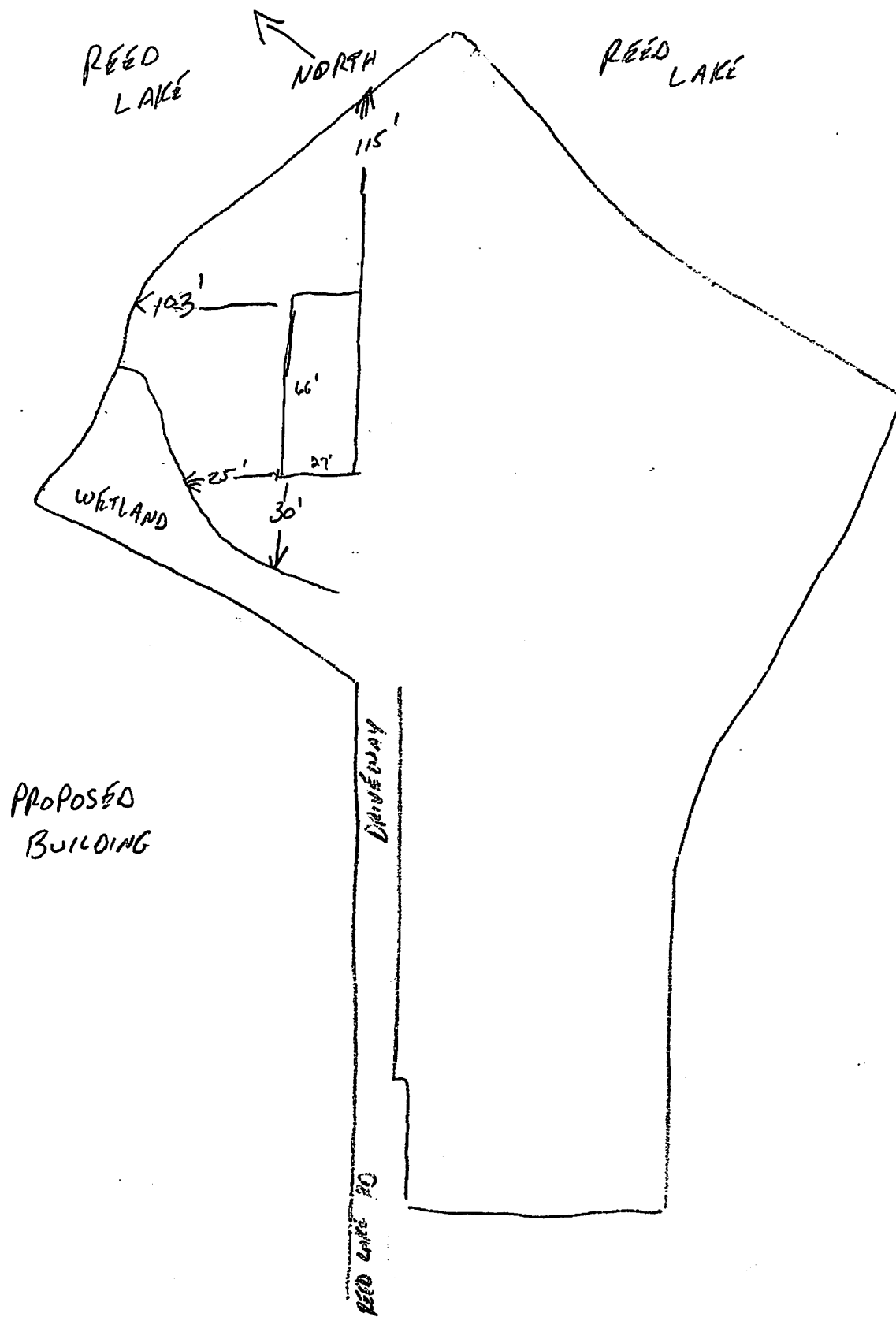
Part 2:

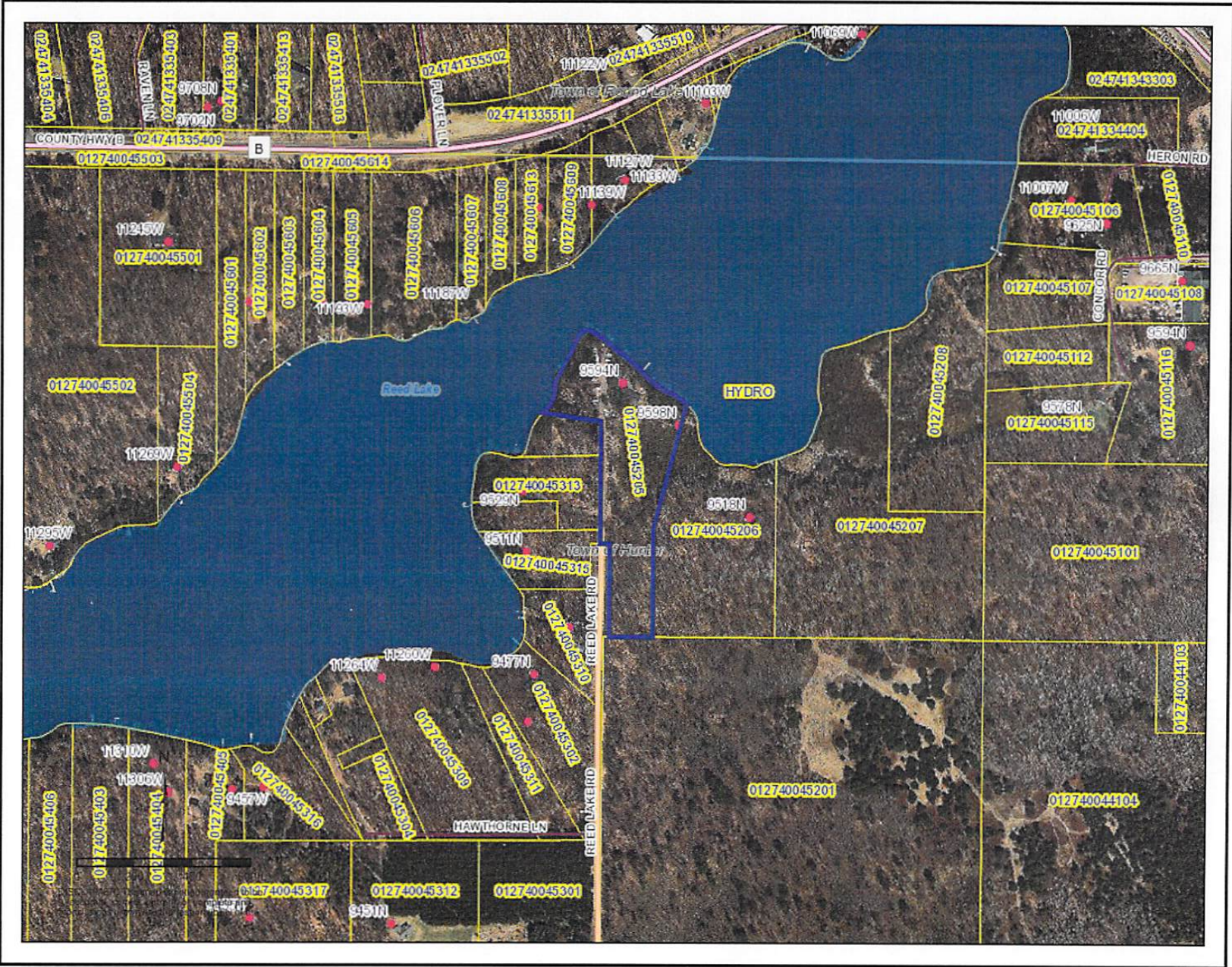
1) Unique property limitations:

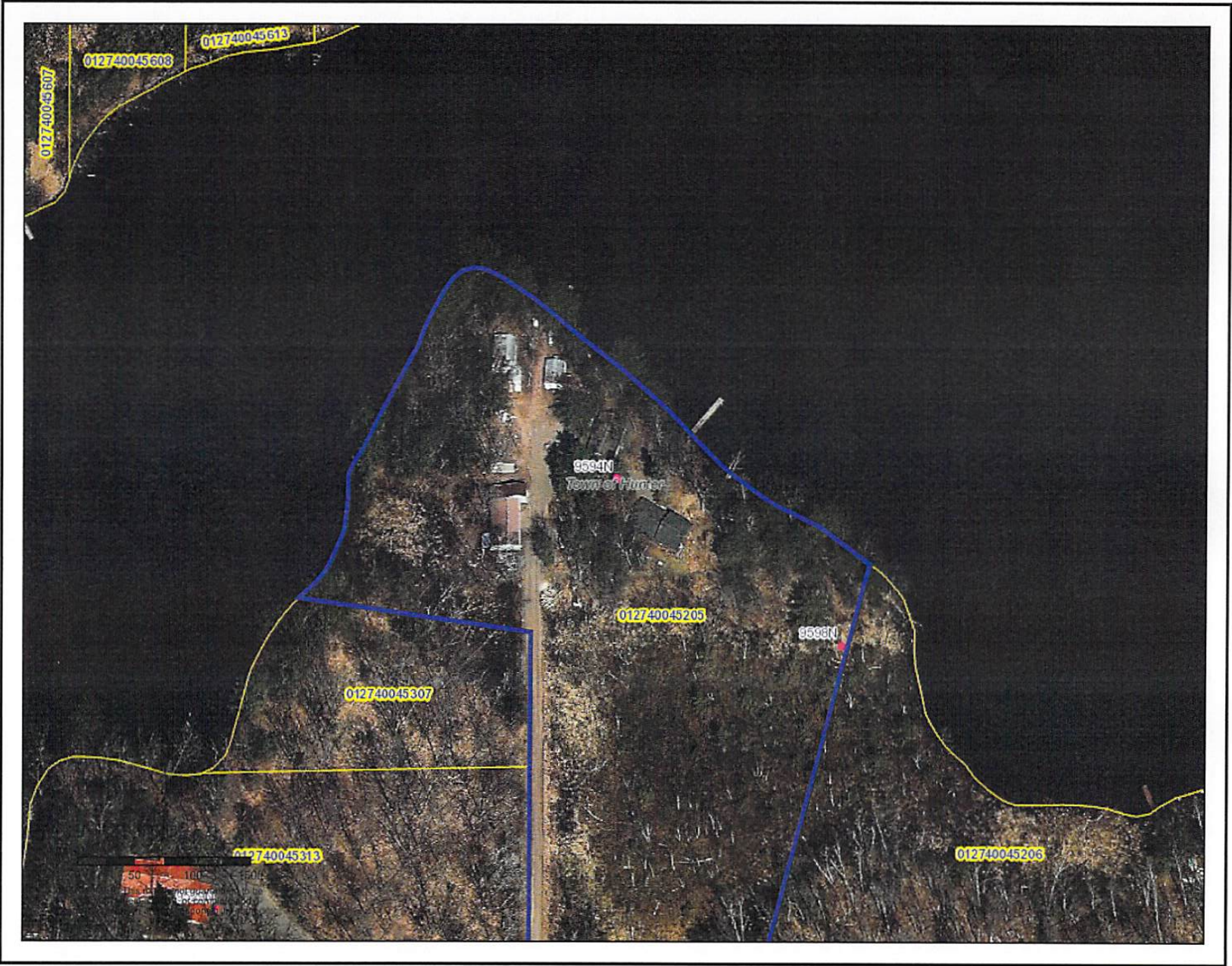
Do unique physical characteristics of your property prevent compliance with the ordinance?

Yes the nearby wetlands and shoreline combined with existing buildings, well and septic system prevent the building from being placed anywhere else on the property to gain compliance with minimum setbacks.











Surface Water Data Viewer Map



Legend

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



0.0 0 0.02 0.0 Miles

NAD_1983_HARN_Wisconsin_TM

1: 990

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Notes



Surface Water Data Viewer Map



0.3 0 0.13 0.3 Miles

NAD_1983_HARN_Wisconsin_TM

1: 7,920

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 - Excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
 - Filled excavated pond
- Filled Points
- Wetland Class Areas
- Filled Areas
- 2D Water Surface Elevation Grid
 - High : 937.629
 - Low : 853.184
- Dams
 - Dam
 - FERC and FERC Exempt Dam
 - Cranberry Dam
 - Removed Dam
 - Structure not on Waterway
 - <all other values>
- Levees
- Geomarks
- Floodplain Analysis Lines

Notes





