



Sawyer County

Agenda

Zoning Board of Appeals Meeting

Tuesday, September 19, 2023 @ 5:00 PM

Sawyer County Board Room - 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 and Statement of Hearing Notice
- c. Approval of Minutes from July 18, 2023
[7-18-23 BOA Minutes](#)

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3. VARIANCE APPLICATIONS

- a. A Public Hearing in the Town of Bass Lake. VAR #23-005. Owner: Michael Savitski. Grindstone Heights Lots 9-11, Block 4; S20, T40N, R08W; Parcel #002-142-040900; Tax ID #1139; .562 total acres; Zoned Residential/Recreational One (RR-1). Application request: Construction of a two story 24' x 50' (28' x 52' with eaves) dwelling attached to existing 24' x 24' (28' x 28' with eaves) garage. Proposed addition is to be located 2' to a platted undeveloped Town road right-of-way and 27' at the closest point to a non-navigable wetland. Variance requested as: Section 4.21(3) of the Sawyer County Zoning Ordinance, this would require prior granting of a Variance for any structure located closer than 63' to the centerline of a Town road or 30' to the right-of-way line. And 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.
[VAR #23-005, Michael Savitski pkt.](#)

6 - 20

- b. A Public Hearing in the Town of Round Lake. VAR #23-006. Owner: Barbara Betz & JT Mullen. Part of Government Lot 5, Lot 1 CSM 7/294 #1478; S30, T41N, R09W; Parcel #024-541-30-5516; Tax ID #23991; 1.54 total acres; Zoned Residential/Recreational One. Application requested for the construction for the 10.5' x 15' attached bathroom and entryway addition including 10.5' x 4.5' covered porch onto an existing principal structure located 26' at the closest point to the OHWM of Moose Lake. The proposed expansion would be 50.5' to the OHWM. Variance requested as: Section 6.1 of the Sawyer County Zoning Shoreland-Wetland Protection Ordinance, would require the prior granting of a Variance for any new structures located closer than 75' to the OHWM with no other exempt structures or reduced setback provisions. Discussion/Action. [VAR #23-006, James & Barbara Betz Mullen pkt.](#)

4. NEW BUSINESS

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

5. ADJOURNMENT

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEAL
July 19, 2022**

Board of Appeals

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

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, Rusk, Kelsey and Tiffany. Dobilas absent. Kozlowski and Brown are present from the Zoning Office. Marks is absent.

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 20, 2023 Minutes. Motion by Rusk to approve the June 20, 2023 minutes, second by Kelsey. All in favor.

VARIANCE APPLICATIONS

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. Kozlowski reads the variance application #23-003, staff report Town opinion and DNR opinion, no other comments. Gerber requests Town of Round Lake opinion letter reread. Gerber asks Kozlowski regarding specific conditions. John Skul, owner speaks in favor of application and that the wetlands will be protected during construction. Also hands out building plans for the subject. No other comments. Gerber turns over to the Board of Appeals. Discussion continues with owner. Gerber motions to approve option B of variance #23-003, second by Kelsey. Discussion held. Gerber motions to amend to include a rain garden mitigation system needed to advert impacting to wetlands. Second by Kelsey. Findings of Fact: 1) It would not be damaging to the rights of others or property values. 2) It would not be detrimental to ecology, wild life, wetlands or shorelands. 3) It would not create topographical problems such as run off, drainage, erosion, flooding or vegetative cover removal. 4) No harm to public interest. Vote 3 to 1 to approve.

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. Kozlowski reads the application, staff report, Town approval, opinion letter and DNR letter. Richard Kamholz, owner speaks in favor of the application. Craig Strouse, owner speaks of the lot. Discussion with Board held. No additional comments. Motion by Kelsey to approve as presented with rain garden and removal of existing garage. Also removal of 19' structure to be removed within 90 days of permit issuance. If not removed a fine of \$500.00 per day will be enforced. Second by Rusk. Findings of Fact: 1) It would not be damaging to the rights of others or property values. 2) It would not be detrimental to ecology, wild life, wetlands or shorelands. 3) It would not create an air quality, water supply or pollution problem. 4) It would not create topographical problems such as run off, drainage, erosion, flooding or vegetative cover removal. No problems with runoff with the rain garden and capture base. Vote 4 to 0 to approve. Discussion by Board.

APPEALS

None

NEW BUSINESS

- a) Kozlowski informs the Board that the Kurtzweil case is in the appellant court. No decision on the stay motion. No news. Discussion held.
- b) Any other business that may come before the Committee for discussion. None

ADJOURNMENT

Motion to adjourn by Gerber at 5:52pm

Minutes prepared by Pat Brown, Zoning Assistant & Kathy Marks, Deputy Zoning and 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:

Michael Louis Savitski
10322 Hage Dr
Rogers, MN 55374

Property Location:

Town of Bass Lake. Grindstone Heights Lots 9-11; Sec 20 T40N R08W. Parcel #002-142-04-0900. -
15.4.9-11 .56 total acres zoned Residential/Recreation-One (RR-1).

Summary of Request:

The applicant(s) are requesting a variance for the construction of a two story dwelling attached to existing garage. The proposed structure would be located 2' to the platted undeveloped town road right of way and 27' at the closest point to a non-navigable wetland.

Project History/On-site Notes/Comments:

An onsite inspection was conducted on 7/6/23 by Pat Brown. At the time of onsite a proposed building location was laid-out on the property for a 24' x 50' (28'x52' with eaves) 2-story dwelling. The building footprint was set in such a way that it would be in line with the existing garage. A previous inspection was conducted on the property on 7/17/20 and at that time an expansion area was laid out without knowing the true line ROW. It would still require a wetland variance however. In 1990 this property was granted a Land Use Permit to build the 24 x 24 garage and a detached 24 x 30 dwelling. The dwelling wasn't built. Because of the property layout and location between wetlands and navigable water this area is the only area applicant can build that would not bring a new building closer to the OHWM of Grindstone Lake. This portion of Poplar Rd is platted as a town road however it is non-developed and dead ends approximately 135' past the existing garage. The public would still have the ability to traverse the public ROW. Without obtaining this variance the only option would be to do vertical expansion of the existing garage building.

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.



Variance Application Request

Property Owner: Michael Louis Savitski

Address: 10322 Hage Drive Rogers, Mn 55374 Phone: (612) 849-2003 Email: Sonelle Savitski @ Comcast.net

Property Description: Grindstone Heights Lots 9-11 Block 14 Parcel ID: 002-142-04-0900

14004W Poplar Ave

Acreage: .562 ac

Zoned: Residential /Recreational One (RR1)

Application requested: Construction of a two story 24' x 50' (28' x 52' with eaves) dwelling attached to existing 24' x 24' (28' x 28' with eaves) garage. Proposed addition is to be located 2' to a plated undeveloped town road right of way and 27' at the closest point to a non-navigable wetland.

Variance requested as: Section 4.21(3) Sawyer County Zoning Ordinance would require prior granting of a variance for any structure located closer than 63' to the centerline of a town road or 30' to the right-of-way line.

And

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.

Property Owner(s) Signature

Mike Savitski

Print & Sign

[Signature]

Print & Sign

Agent Signature(s), address, phone &

Email: _____

Date of Meeting Sept. 19, 2023

750.00
Fee: \$500.00

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

APPLICATION FOR VARIANCE
SAWYER COUNTY BOARD OF APPEALS
ADDITIONAL INFORMATION

(To be completed by applicant)

Completed by Mike and Janelle Savitski – July 14, 2023

Part 1: Applicant supplied information.

Current use of your property and improvements –

24' x 24' garage provides minimal living space

Describe the variance requested-

Construction of a two story 24' x 50' (28' x 52' with eaves) dwelling, to the east, attached to existing 24' x 24' (28' x 28' with eaves) garage.

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

The addition is needed to provide year-round living and protect property value. If the variance is not granted, year-round living would not be possible and property value would be affected.

Describe the alternative 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.
 - a. Moving farther from road and angling addition, would move addition closer to the lake.
 - b. Building on west end of existing building would bring addition closer to lake. This option would also require moving dock to another section of shoreline and would disrupt the natural habitat that is currently there.

- b) Alternatives you considered that require a lesser variance and reasons you rejected them.
- Reducing the length of the addition to 40 feet would require a variance.
 - Changing the angle of the addition to be parallel to the road would make the addition closer to the lake and require a variance.

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

There isn't any impact on our property or adjacent properties because of our location. Erosion while building would be controlled with silt fencing. We would plant more native vegetation, trees and plants on the property.

Part 2: Three Step Test

1) Unique Property Limitations

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

- Yes, these are located on the attached site map. They include the town road and wetlands behind structure, and lake in front of structure.

2) No Harm to Public Interests

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

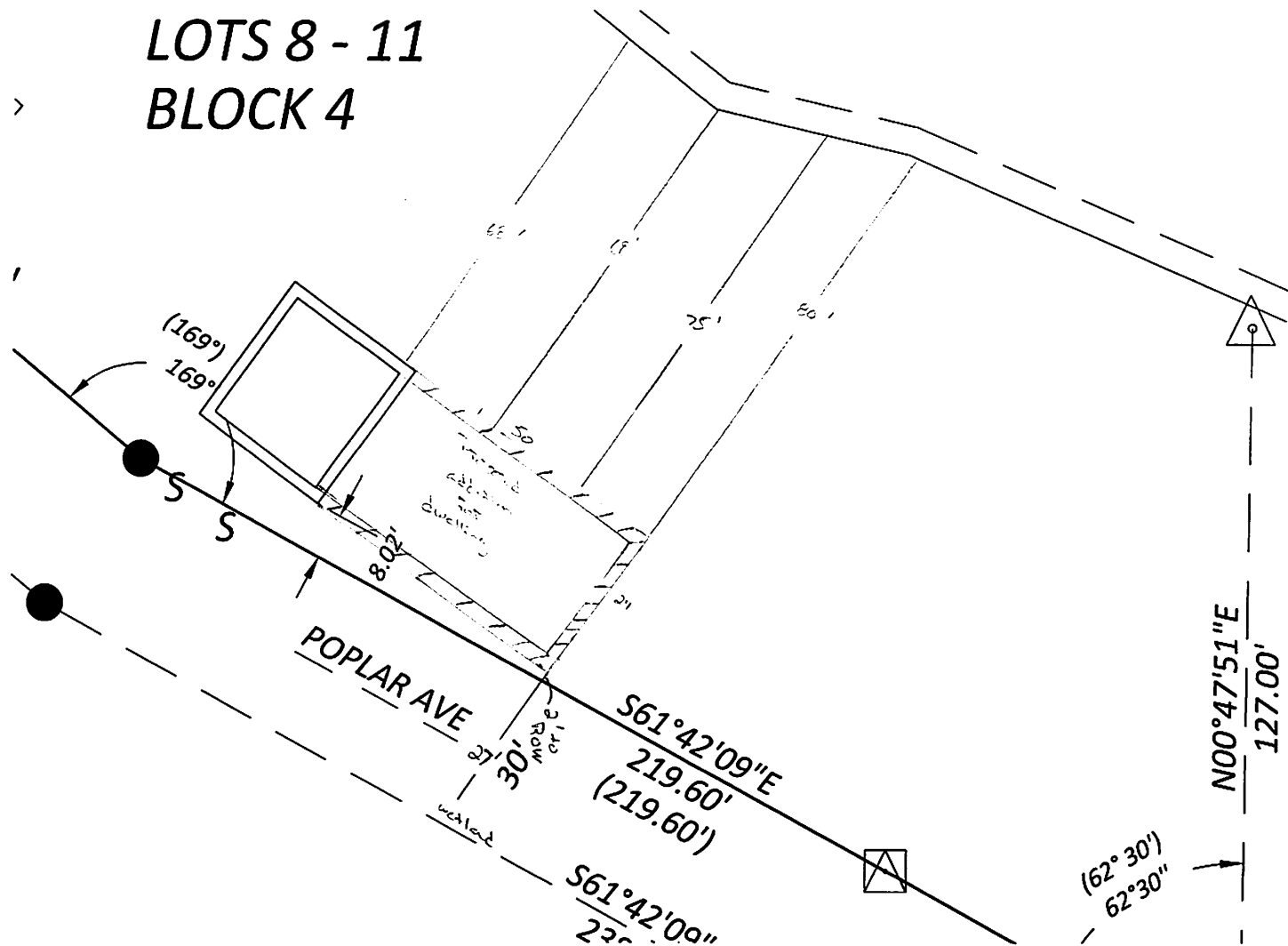
- Granting this variance would not harm the public interest because people could still walk on public property.
- The public interest would be enhanced because we would continue to mow the area designated as a public road.

3) Unnecessary Hardship

Is unnecessary hardship present?

- Yes, because the intended construction cannot fit into area. The property was purchased in 1987. A building permit was applied for and approved in 1990 for land use for a garage and future site building of a house. Also, we were under impression there were different property lines in 1990 than were recently surveyed in June 2023.

LOTS 8 - 11 BLOCK 4

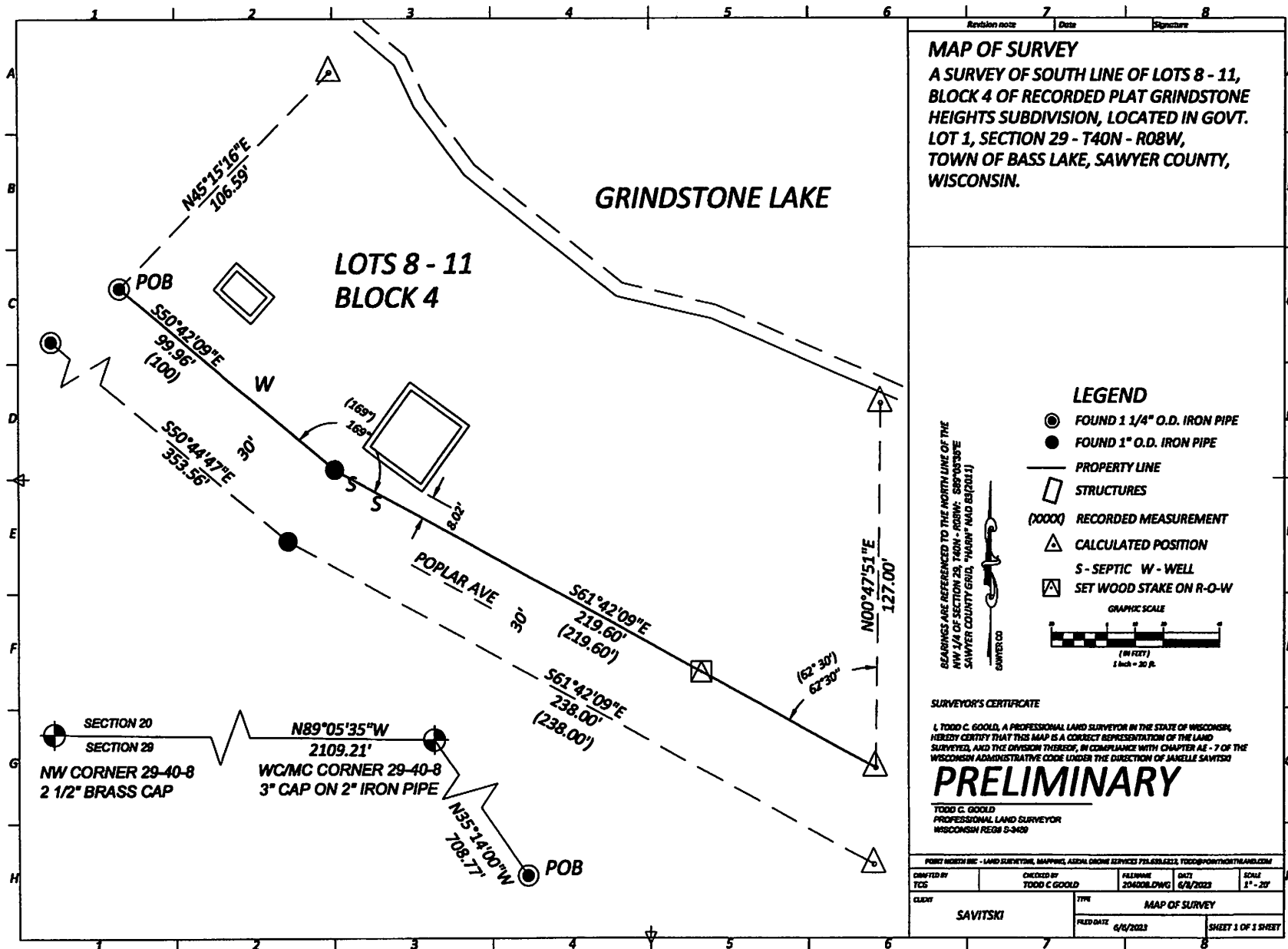


BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE
NW 1/4 OF SECTION 29, T40N - R08W: S89°05'35"E
SAWYER COUNTY GRID, "HARN" NAD 83(2011)

SAWYER CO

SURVEYOR'S CERTIFICATE

June 20 23 (Todd Gould)



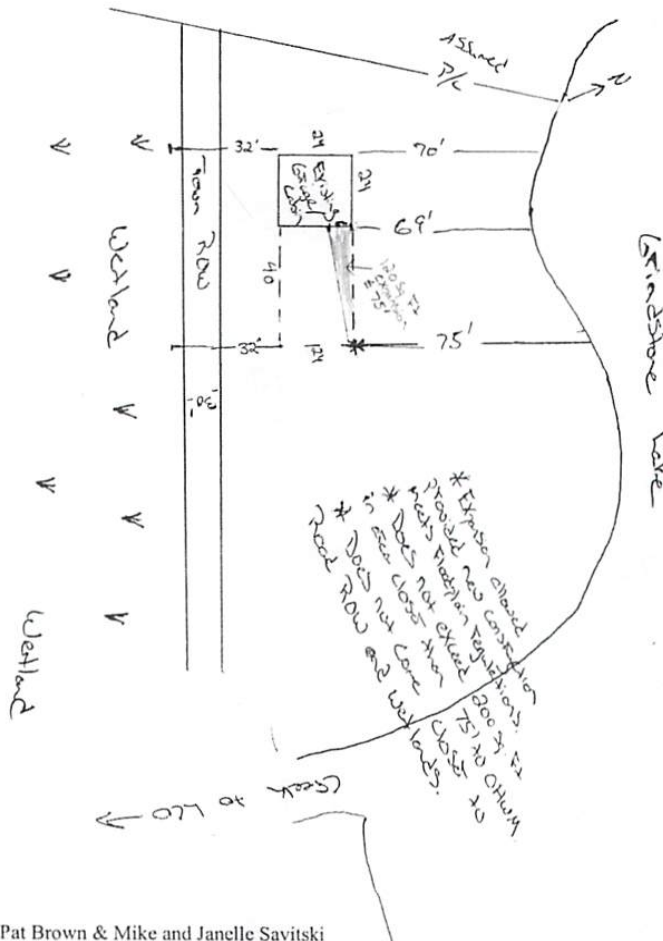
Sawyer County Zoning Administration
Inspection Report

ORIGINAL

Owner(s) Michael L Savitski
Address 10322 Hage Dr Rogers, MN 55374
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
☒ Wetland

14004W Poplar Ave Hayward, WI (RR-1) .56 Acres Warranty Deed 206691



Discussed with Pat Brown & Mike and Janelle Savitski

Date & Time 07/17/2020 1:00 PM

Signature of Inspector [Signature]

Owner(s) Michael L Savitski Town of Bass Lake Govt Lot 1/4 S 20 T 40 N R 08 W
Lot(s) 9-11 Blk(s) 4 Subdivision Grindstone Heights Computer # 002-142-04-0900 Parcel(s) -15.49-11

Inspection report 2020. Before road was surveyed by Todd

Real Estate Sawyer County Property Listing

Today's Date: 7/27/2023

Property Status: Current

Created On: 2/6/2007 7:55:02 AM

**Description**

Updated: 1/3/2004

Tax ID:	1139
PIN:	57-002-2-40-08-20-5 15-172-040900
Legacy PIN:	002142040900
Map ID:	-15.4.9-11
Municipality:	(002) TOWN OF BASS LAKE
STR:	S20 T40N R08W
Description:	GRINDSTONE HEIGHTS LOTS 9-11 BLK 4
Recorded Acres:	0.562
Calculated Acres:	0.498
Lottery Claims:	0
First Dollar:	Yes
Waterbody:	Grindstone Lake
Zoning:	(RR1) Residential/Recreational One
ESN:	445

**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: 1/30/2014

WARRANTY DEED
Date Recorded: 10/13/1987 206691 410/253

**Ownership**

Updated: 2/6/2007

MICHAEL LOUIS SAVITSKI ROGERS MN**Billing Address:**

MICHAEL LOUIS SAVITSKI
10322 HAGE DRIVE
ROGERS MN 55374

Mailing Address:

MICHAEL LOUIS SAVITSKI
10322 HAGE DRIVE
ROGERS MN 55374

**Site Address** * indicates Private Road

14004W POPLAR AVE HAYWARD 54843

**Property Assessment**

Updated: 9/13/2012

2023 Assessment Detail

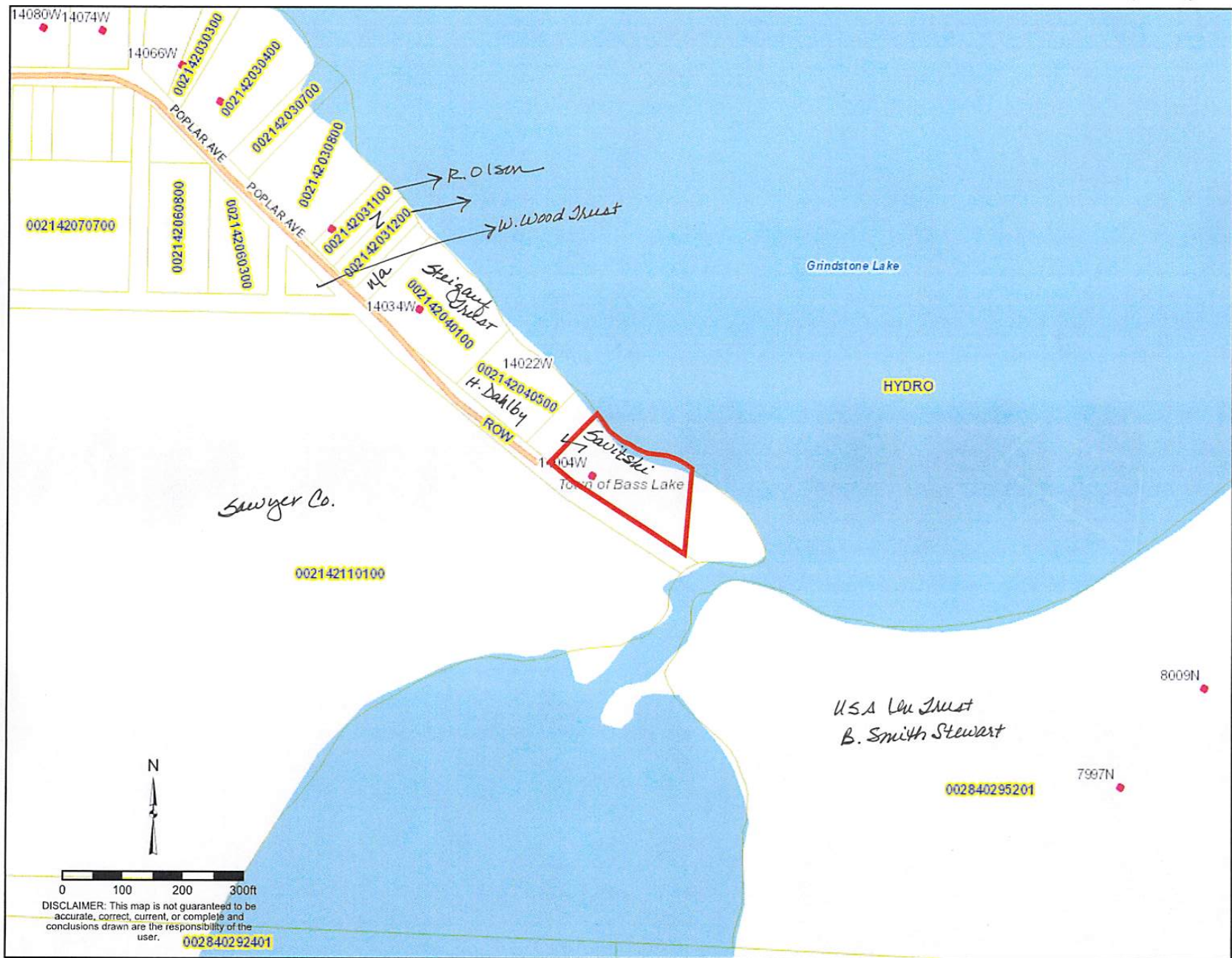
Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.562	230,400	22,000

2-Year Comparison

	2022	2023	Change
Land:	230,400	230,400	0.0%
Improved:	22,000	22,000	0.0%
Total:	252,400	252,400	0.0%

**Property History**

N/A











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:

James Mullen & Barbara Betz
268 Irvine Ave
Saint Paul, MN 55102

Property Location:

#10438N Pine Point Road (property located on the far left and the end of the road)
S30 T41N R05W
024-541-30-5516

Summary of Request:

The applicants are requesting a variance to build a 10.5' x 15' addition including a 10.5' x 4.5' covered porch entryway onto an existing principal structure located 26' at the closest point to the ordinary high-water mark (OHWM) of Moose Lake. The proposed expansion would be located 50.5' to the OHWM. The total square footage of the proposed expansion would be 204.75 sq ft.

Project History:

This existing principal structure is an existing non-conforming structure. The main purpose of the request to hook up pressurized water to the structure and add a bathroom and entryway into an existing "historic" cabin. Currently the property only has a separate composting toilet area in an existing shed beyond the required setback.

A previous variance was granted in 2020 for this property and was approved for a 14' x 10' addition but has since expired. The applicants are now requesting for a slightly larger size addition than what was previously approved but as per the last approval process it was approved to a different size than what was requested initially. The previous request was for a 10' x 22' but was changed by the BOA to only allow a 14' x 10' addition.

The Sawyer County Zoning Shoreland-Wetland Protection Ordinance as per Section 6.1 in conjunction with NR 115.05(1)(b)1 requires a 75' setback from the OHWM of a navigable water to the nearest part of a building or structure. The existing structure based on certain setbacks would not be eligible for any other type of "exempt" structure provisions.

With that being said, if the existing structure “was” located at a 35’ setback from the OHWM then a 200 sq ft lateral expansion would be allowed on this structure no closer to the water than the closest point of the existing. In other words, if the existing structure was located another 9’ further back from the water the applicant could add a proposed 200 sq ft expansion to this structure with no variance needed.

On-site Notes/Comments:

See attached inspection report completed by Jay Kozlowski.

There have been no changes to the property since the previous onsite in 2020. This existing cabin is approximately 496 sq feet. It should also be noted that the bufferzone area of natural near water vegetation is in excellent condition on this property and the view corridor is minimal even based off of current allowed State standard corridor widths.

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 may be required but current bufferzone on property exceeds minimum standards.

(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)**:

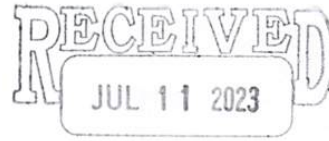
1. An approval would set a precedent.
2. Public safety could be compromised.
3. This would make a bad situation worse.
4. An increase in water runoff and erosion is anticipated.
5. Harm to water quality is anticipated.
6. The proposal appears to be for convenience to the landowner only.
7. An approval 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.



SAWYER COUNTY
ZONING ADMINISTRATION

Variance Application Request

Property Owner: JAMES T & BARBARA A BETZ MULLEN

Address: 268 IRVINE AVE. SAINT PAUL MN 55102

Phone: 612-600-7879

Email: barb@betzdesign.com

Property Description:

TOWN OF ROUND LAKE. S30 T41N R05W. PRT GOVT LOT 5, LOT 3 CSM 7/294 #1478. Site

Address: 10438N Pine Point Road

Acreage: 1.901

Zoned: RR-1

Application requested:

For the construction of a 10.5' x 15' attached bathroom and entryway addition including a 10.5' x 4.5' covered porch onto an existing principal structure located 26' at the closest point to the OHWM of Moose Lake. The proposed expansion would be 50.5' to the OHWM. (see attached drawing).

Variance requested as:

Section 6.1 of the Sawyer County Zoning Shoreland – Wetland Protection Ordinance, would require the prior granting of a variance for any new structures located closer than 75' to the OHWM with no other exempt structures or reduced setback provisions.

Property Owner(s) Signature

Barbara Betz BARBARA BETZ

Print & Sign

Print & Sign

Agent Signature(s), address, phone &

Email: _____

Date of Meeting Sept. 19, 2023

Fee: \$750.00

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

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

Completed by Barbara A. Betz & James T. Mullen

(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 500 square foot cabin, circa 1900, detached garage and detached outbuilding with an incinerating toilet and sauna. The cabin is not plumbed, but a hydrant is on the property which is our source of drinking water.

Describe the variance requested - (e.g., "Add a 15' x 10.5' addition to the side of the home.").

We would like to add a 15' x 10.5' addition to the west side of the cabin (furthest from the lake) that would include a plumbed bathroom and ~~porch~~. Septic system ~~would also be added.~~

ENTRYway.
HAS BEEN ADDED, BUT NOT CONNECTED.

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.").

Adding a bathroom inside the cabin would make life at the cabin more livable, protect property value, and make our lives safer (as we would then no longer need to leave the cabin in the middle of the night.)

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.")

~~The cabin is a historic treasure, built (as far as we can tell) from old-growth logs. By adding a small addition that includes a plumbed bathroom, we would be adding to our comfort and safety, while preserving a part of Wisconsin history.~~

- 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 considered adding onto the outbuilding as well as building a cabin on the North side of property. The reasons we rejected those alternatives was because there would be no way to replicate the charm, ambience and history of our current place.

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.").

No impact on adjacent properties as there is quite a distance between buildings. We will be hiring bonded builders and will ensure minimal disruption to the grounds. Native vegetation and trees abound on the property and will not be disturbed by the addition.

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.").

Because of its age, the cabin is closer to the lake than is currently allowed (grandfathered in). The area that contains the footprint for the addition is the only piece of property that is 'away' from the lake (the side furthest from the shoreline).

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 addition poses no threat to public health, water quality, habitat, scenic beauty, etc. It will be barely visible from the lake and our plan is to make it as faithful to the original style of construction as possible. We have been cultivating shoreline trees since we bought the property in 2008, and the cabin is well hidden.

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.

Not having an interior plumbed toilet presents a hardship.

No. A variance cannot be granted.

Real Estate Sawyer County Property Listing

Today's Date: 7/11/2023

Property Status: Current

Created On: 2/6/2007 7:55:40 AM

 Description Updated: 11/17/2008

Tax ID: 23991
PIN: 57-024-2-41-05-30-5 05-005-000160
 Legacy PIN: 024541305516
 Map ID: :S.16
 Municipality: (024) TOWN OF ROUND LAKE
 STR: S30 T41N R05W
 Description: PRT GOVT LOT 5, LOT 3 CSM 7/294 #1478
 Recorded Acres: 1.540
 Lottery Claims: 0
 First Dollar: Yes
 Waterbody: Moose Lake
 Zoning: (RR1) Residential/Recreational One
 ESN: 402

 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: 11/17/2008 **WARRANTY DEED**

Date Recorded: 10/15/2008

[356377](#) **Ownership** Updated: 11/17/2008**JAMES T & BARBARA A BETZ MULLEN** SAINT PAUL MN**Billing Address:**

JAMES T & BARBARA A BETZ MULLEN
 268 IRVINE AVE
 SAINT PAUL MN 55102

Mailing Address:

JAMES T & BARBARA A BETZ MULLEN
 268 IRVINE AVE
 SAINT PAUL MN 55102

 Site Address * indicates Private Road

10438N PINE POINT RD HAYWARD 54843

 Property Assessment Updated: 7/16/2019**2023 Assessment Detail**

Code	Acres	Land	Imp.
G1-RESIDENTIAL	1.540	228,700	45,700

2-Year Comparison

	2022	2023	Change
Land:	228,700	228,700	0.0%
Improved:	45,700	45,700	0.0%
Total:	274,400	274,400	0.0%

 Property History

N/A

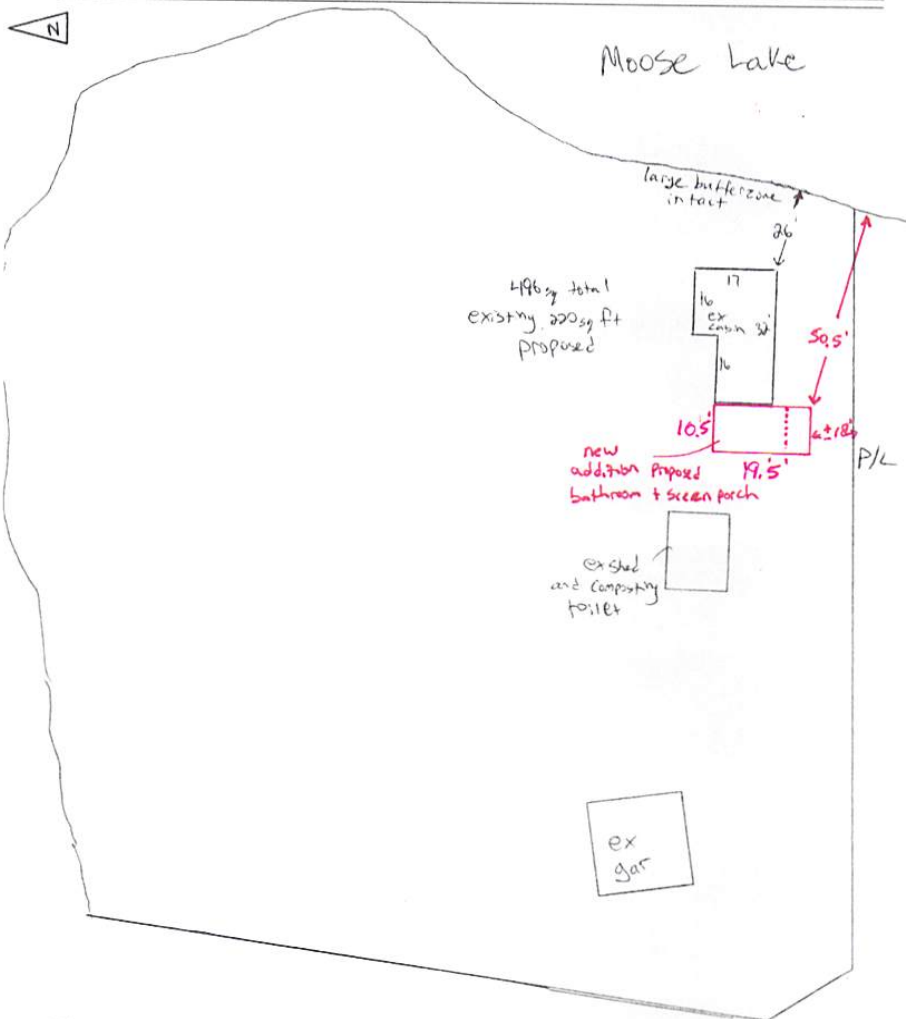
**Sawyer County Zoning Administration
Inspection Report**

Owner(s) James & Barbara Mullen
 Address 268 Irvine Ave Saint Paul, MN 55102
 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
☒ onsite inspection report-Variance Required

WD#356377 1.54 Acres RR-1 CSM 7/294 #10438N Pine Point Road



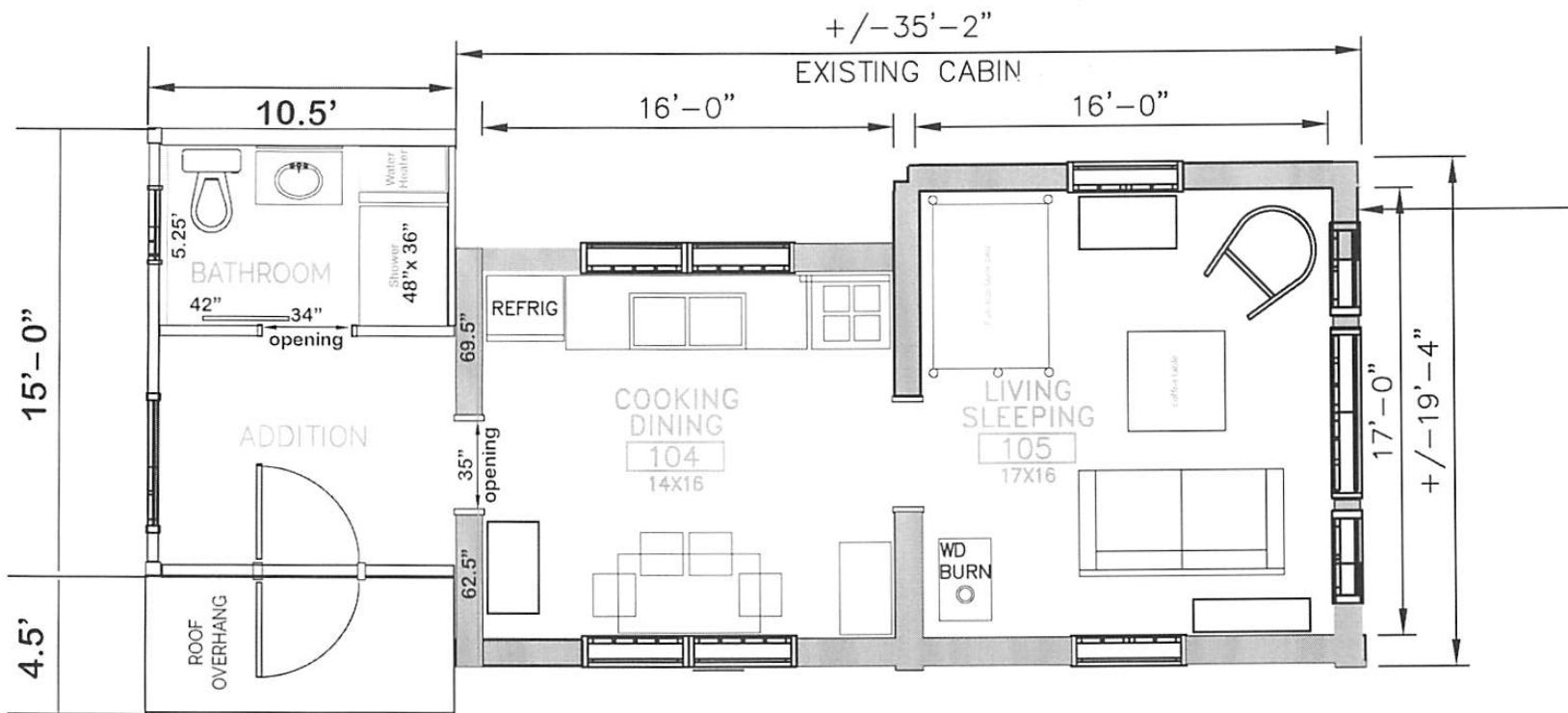
Discussed with Barb Betz & Jay Kozlowski

Date & Time 08/07/20 11:30 AM

Signature of Inspector _____

8/8/23
Jay Mullen

Owner(s) JAMES MULLEN & BARBARA MULLEN Town of ROUND LAKE Govt Lot PRT 5 1/4 1/4 S 30 T 41 N R 05 W
 Lot(s) 3 Blk(s) _____ Subdivision _____ Computer # 024-541-30-5516 Parcel(s) .5.16





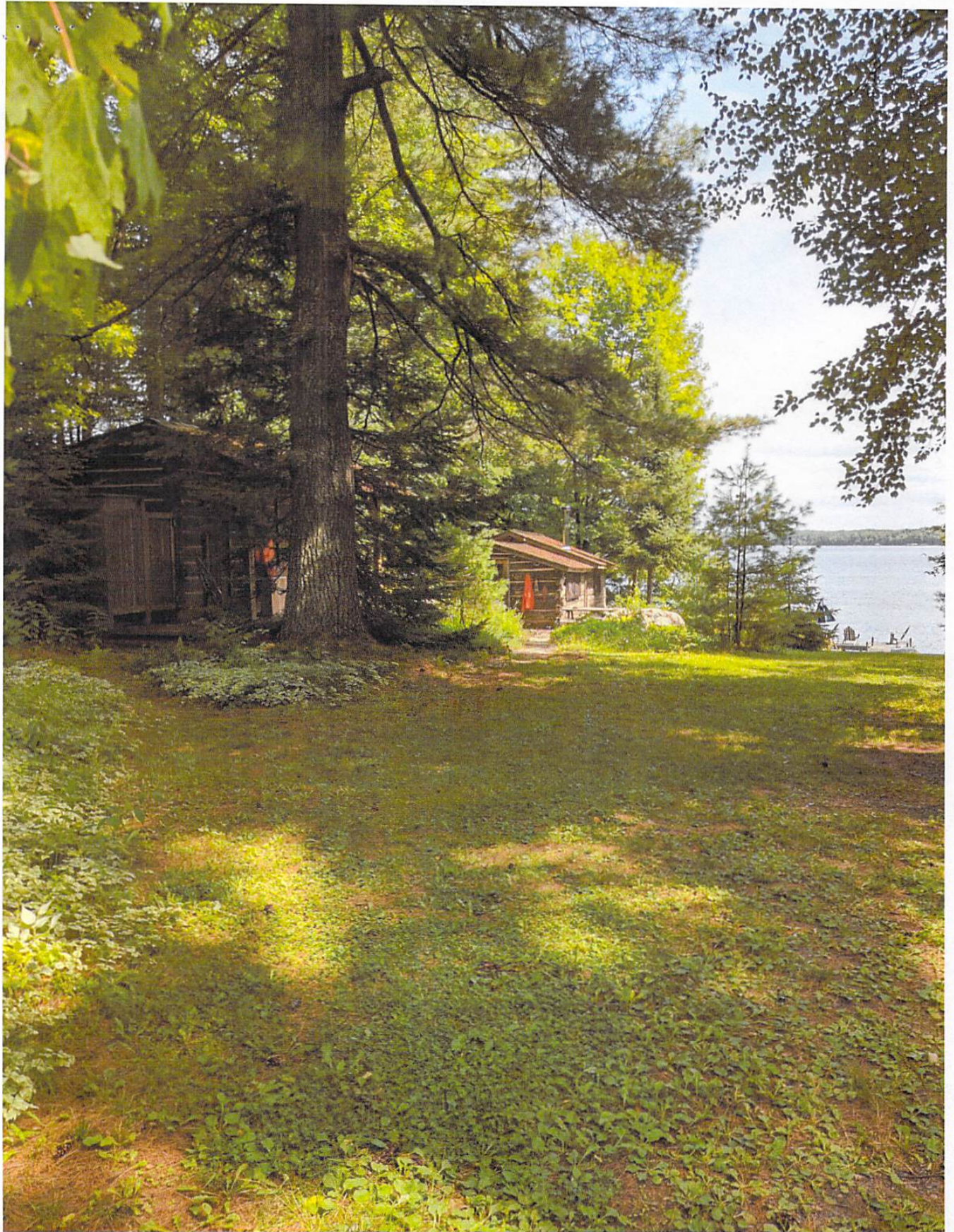




















50-149

Deputy

1 1/2" IRON PIPE
NW COR. G.L. 5

24	19
25	30

N 89° 23' E, 756.25'

— ←

NORTH LINE G.L.
SEC. 30, T41N, R5

M.C. Brass cap in conc.

INTERIOR ANGLES

- ① = $34^{\circ}07'42''$
- ② = $272^{\circ}37'32''$
- ③ = $168^{\circ}02'35''$
- 4 = $126^{\circ}09'00''$
- 5 = $123^{\circ}38'00''$
- 6 = $169^{\circ}11'35''$
- 7 = $125^{\circ}52'24''$
- 8 = $136^{\circ}53'00''$
- 9 = $218^{\circ}28'30''$
- 10 = $200^{\circ}15'48''$
- 11 = $44^{\circ}43'54''$

S 66°57'W
75.0'

S $5^{\circ}18'E$
175 $0'$

DETAIL
SCALE: 1" = 5'

MOOSE LAKE

Parcel 2: 0.96 Ac.±

Parcel 3: 1.54 Ac.± (Not including island)

Parcel 4: 1.04 Ac.±

Survey Data:

- Top Left:** S 32°45'E 62.0', S 22°56'W 138.00', S 66°57'W 75.0', S 5°18'E 175.0'
- Left Boundary:** S 12°57'42"W 320.43', S 12°02'36"E 212.51', N 2°02'36"E 212.51', N 57°41'36"E 97.87', N 77°57'24"E 139.70', S 63°34'06"E 123.67', N 73°18'54"E 435', 109.85', N 19°11'18"E 151.40', N 8°22'53"E 118.80', N 47°09'07"W 88.78', S 78°09'53"W 174.03', S 50°57'36"E 56.66', N 84°56'22"E 197.80', N 84°56'22"E 127.13', 117.00', 127.13', 110.83', 139.91', N 10°09'48"E 51.32', 264.89', 124.98', 41.67', 230', 51.03', N 2°10'00"W 51.03', S 5°05'3"E 75.30', S 66°12'28"W 192.13', 114.64', S 83°23'48"E 116.41', 163.66', 134.77', 0.3642'
- Internal Features:** DRIVEWAY, EASEL, 530', 230', 23', 138', 435'

Other Labels: SC, MONU

Scale: 1" = 100'

North Arrow: Indicated by a circle with an 'N' and an arrow pointing towards the top of the page.

A circular seal for the Wisconsin Land Surveyor. The outer ring contains the text "WISCONSIN" at the top and "LAND SURVEYOR" at the bottom, separated by two five-pointed stars. The center of the seal contains the text "RONALD L. PETERSON", "S-803", "HAYWARD", and "WIS." in a stacked arrangement.

Ronald L. Peterson

SCALE : 1" = 100

MONUMENTS ⊗ FOUND 1 1/4" I.P.
● SET 1 1/4" x 30" I.P.

BEARINGS ARE BASED ON NORTH LINE OF
SEC.30, ASSUMED TO BEAR N89°23'E.

JULY 2. 1980

PAGE 1 OF 2 PAGES

Certified Survey No. 1478

294



*Sawyer County Zoning & Conservation
Administration*

10610 Main Street, Suite 49

Hayward, Wisconsin 54843

Tel: (715) 634-8288

E-mail: kathy.marks@sawyercountygov.org

October 20, 2020

COPY

VAR # 20-002, JT Mullen & Barbara Betz

Notice is hereby given that on October 20, 2020 the Sawyer County Board of Appeals **approved** the following application with conditions:

Town of Round Lake. VAR #20-002, James Mullen & Barbara Betz. Part of Government Lot 5; S30, T41N, R05W; Parcel #024-541-30-5516; 1.54 Total Acres; Zoned Residential/Recreational One (RR-1).

Application is for: The construction of a 10' x 22' attached bathroom and screen porch addition onto an existing principal structure located 26' at the closest point to the OHWM of Moose Lake. The proposed expansion would be 50.5' to the OHWM. (See inspection report drawing). Variance requested as: Section 6.1, Sawyer County Zoning Shoreland-Wetland Protection Ordinance, would require the prior granting of a variance for any new structures located closer than 75' to the OHWM with no other exempt structures or reduced setback provisions.

Conditions: Motion by Kelsey to approve a 14'x10' addition in line with the existing walls, to keep the buffer intact with mitigation, and with a 2-year timeframe to apply for a Land Use application. Second by Christians.

Findings of Fact: It would not be a self-created hardship. It would not be damaging to the rights of others or property values. It would not be detrimental to ecology, wild life, wetlands or shorelands.

Please contact our office to apply for a Land Use application for your project or you may print one from our website at sawyercountygov.org, we will need the original with owner signatures and fees included.

Any questions please contact our office at the above information.

Any person or persons jointly aggrieved by the decision of the Board of Appeals may commence an action in the Circuit Court for Writ of Certiorari to review the legality of the decision within 30 days after the date of this notice.

Kathy Marks

Deputy Zoning & Conservation Administrator

CC: Town of Round Lake



COPY

Sawyer County Zoning & Conservation Department
10610 Main Street, Suite #49
Hayward, WI 54843
715-634-8288
kathy.marks@sawyercountygov.org

January 20, 2021

Re: VAR #20-002, Betz-Mullen

James & Barbara,

Notice is hereby given that on January 19, 2021 the Sawyer County Board of Appeals **denied** the hearing of the reconsideration of the following application:

A Reconsideration of Public Hearing for the Town of Round Lake. VAR #20-002, James Mullen & Barbara Betz. Part of Government Lot 5; S30, T41N, R05W; Parcel #024-541-30-5516; 1.54 Total Acres; Zoned Residential/Recreational One (RR-1). Previous VAR #20-002 was approved for a 10'x14' addition on November 17, 2020. Application is for a reconsideration of a 9' x 15'6" attached bathroom and screen porch addition onto an existing principal structure located 26' at the closest point to the OHWM of Moose Lake. The proposed expansion would be 50.5' to the OHWM. (See inspection report drawing). Variance requested as: Section 6.1, Sawyer County Zoning Shoreland-Wetland Protection Ordinance, would require the prior granting of a variance for any new structures located closer than 75' to the OHWM with no other exempt structures or reduced setback provisions.

Motion by Rusk to deny the reconsideration citing 10.4 Reconsideration on Board Motion – A decision of the Board may be reconsidered by motion to reconsider made at the same meeting which may be immediately disposed of with out further notice, of the By-Laws and 10.6 Procedures for Reconsideration – A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused to an interested party who has requested reconsideration, the Board shall enter on the minutes the basis of the request, the reason why it was refused and the vote of the Board members thereon, of the By-Laws and refund of the filing fee to the property owners. Second by Olson. Vote 4 to 0. Motion carried.

Kathy Marks
Deputy Zoning & Conservation Administrator
Cc: Town of Round Lake

1-21-21 Mailed to Owner