

**MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEAL
January 17, 2017**

Board of Appeals

Al Gerber, Chairman
Laura Rusk
Mark Olson
Gordon Christians

Zoning Administration

Jay Kozlowski, Assistant Zoning Administrator
Kathy, Deputy Zoning & Conservation Administrator

PRELIMINARY MATTERS

- 1) Call to Order and Roll Call
Gerber called the Public Hearing before the Sawyer County Zoning Board of Appeals to order at 6:00 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Christians, Olson & Rusk. Kozlowski and Marks were present from the zoning office.
- 2) 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.
- 3) 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.

VARIANCE APPLICATIONS

- 1) Town of Bass Lake – Town of Bass Lake. Part Government Lot 2; S12, T40N, R09W; R-O-W of Williams Road (A Town Road). Application is for: The construction of a 9.5' x 7.5' vault privy. The proposed structure would be located in the Right-Of-Way of Williams Road (A Town Road). The proposed structure would be 22' from the centerline of Williams Road, 52' from the centerline of County Hwy E, and 1' from a property line. This would be the only structure at this proposed new boat ramp. Variance requested as: Section 4.21 (3), Sawyer County Zoning Ordinance, would require the prior granting of a variance for any new structures located closer than 63' to the centerline of a town road or 30' from the right-of-way (ROW) whichever is greater. Section 4.21 (2), Sawyer County Zoning Ordinance, would require prior granting of a variance for any new structures located closer than 75' to the centerline of a county Hwy or 42' from the ROW. Also Section 4.26(1), Accessory Uses and Structures, Sawyer County Zoning Ordinance, would require the prior granting of a variance for an accessory building on vacant property. Also Section 18.4(a), Sawyer County Zoning Ordinance, would require the prior granting of a variance for any accessory building located closer than 5' from a property line. Kozlowski read the application and Town Board's approval. Five opinion letters were sent out, three returned with two Objections and one in favor. Also the Spring Lake Association letter, Town Supervisor letter and Two Bass Lake residence township letters. Phil Nies agent for the Town of Bass Lake speaks in favor of application. Questions and discussion were held. Mike Heim from audience spoke in favor of application. Discussion by Board. Motion to approve by Olson, second by Rusk. Discussion by Board. Motion to approve 3 to 1. Motion carried.

Findings of Fact: It would not be for the convenience of the owner. It would not be the basis of economic gain or loss. It would not be a self-created hardship. There would be no harm to public interest. It would

not be damaging to the rights of others or property values. It would be due to special conditions unique to the property.

- 2) Town of Edgewater - Dale & Barbara Vanderbilt. Part Government Lot 2, Map of Survey 5379-11; S05, T37N, R09W; Parcel #008-937-05-5205; Address: 2290N County Hwy F; Document #187992 & 395118, Total acres .70; Zone District: Residential/Recreational One (RR-1). Application is for: The After-the-Fact (A-T-F) construction of a new 24'x45' pole shed located 44' at the closest point to the centerline of County Hwy F. Variance is requested as: Section 4.21 (2), Setback Requirements on Highways and Roads, Sawyer County Zoning Ordinance, would require the prior granting of a variance for any structures located closer than 75' from the centerline of a Class B highway (County Trunk Highway) or 42' from the right-of-way line, whichever is greater. Centerline setback is greater. Kozlowski read application, Town Board's approval and County Highway approval. Ten opinion letters were sent out four were returned, three no objection and one with comment. Attorney Michael Kelsey, was present representing the owners. Discussion was held. Linda Zillmer from audience spoke in opposition of application. Discussion was held. Attorney Mike Kelsey spoke on what the owners will do to make it right. Board discussion held along with Kozlowski input. Motion by Gerber to postpone the Variance application for 60 days to submit to the Board a mitigation plan for review and more information. Second by Rusk. All in favor 4 to 0. Motion carried.

- 3) Town of Edgewater – Prima Revocable Trust. Part Government Lot 2, Lot 1 CSM 27/66 #7020; S20, T37N, R09W; Parcel #008-937-20-5208; Address: 1216N Timber Trails Lane; Document #346105; Total acres 3.60; Zone District Residential/Recreational One (RR-1). Application is for: The construction of a new 74.5' x 55' house with attached 28'x26' garages. The proposed structure would measure 40.5' from the lowest grade to the highest peak. All other setbacks to be met. Variance requested as: Section 2 (8), Definitions, and Section 22.2, Height Limitations, Shoreland-Wetland Protection Ordinance, would require the prior granting of a variance for any construction that results in a structure taller than 35' measured in the vertical distance to peak from lowest grade. The bottom slab of a "walkout" basement is considered lowest grade. Kozlowski read application and Town Board approval. Fourteen opinion letters were sent out eight were returned with one objection and seven with no objections. Owner Donna Obenauf, speaks in favor of application. Discussion was held. Merlin Johnson contractor for owner spoke in favor of application. Linda Zillmer from audience spoke neither in support or objection. Phil Nies from audience spoke on height requirement. Board discussion held with Kozlowski input. Motion to deny by Gerber, second by Rusk. All in favor. Motion carried.

Findings of Fact: It would be for the convenience of the owner. It would be a self-created hardship. A compliant structure can be built on the property without a variance.

NEW BUSINESS

No new business.

ADJOURNMENT

Motion to adjourn by Olson, second by Christians, all in favor. Motion carried.

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator

For more information please see our website at sawyercountygov.org, meetings, Zoning BOA Audio.