

**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