AGENDA
SAWYER COUNTY BOARD OF APPEALS
September 17, 2019
Sawyer County Courthouse 6:00 PM

PRELIMINARY MATTERS
1) Call to Order and Roll Call
2) Statement of Committee and Hearing Procedure
3) Statement of Hearing Notice

VARIANCE APPLICATIONS
1) Town of Sand Lake - #19-006; Scott Peters. Part Government Lot 2, Lot 1 CSM 19/106 S13, T39N, R09W; Parcel #026-939-13-5228; 6.23 Total acres; Zoned Agricultural One (A-1) and Residential/Recreational One (RR-1). Application is for the construction of a 24' x 24' (26' x 26') with eaves accessory building located 22' at the closest point from a non-navigable wetland boundary line. Variance requested as Section 14.3, Setbacks from Navigable Water, Wetlands, and Bluffs, Sawyer County Zoning Shoreland-Wetland Protection Ordinance, would require the prior granting of a variance for any new structures located closer than 40' to the boundary of a non-navigable wetland.

2) Town of Bass Lake - #19-007; Donna Yackel, John Yackel – agent. Part of Government Lot 2; S35, T40N, R09W; Parcel #002-940-35-5202; .780 Total Acres; Zoned Agricultural One (A-1). Application is for the construction of a 3' x 20' addition onto an existing non-conforming structure located 18' from the ordinary high water mark (OHWM) of Durpee Lake. The proposed footprint expansion area would be located 40' from the OHWM garage with eaves. The proposed addition would connect the existing principal structure to an existing detached garage and make them attached. Variance requested as Section 6.1 Shoreland Setbacks of the Sawyer County Shoreland-Wetland Protection Ordinance, would require the prior granting of a variance for any structure located closer than 75' to the OHWM of a navigable body of water. No other exemption may be used for this type of expansion.

NEW BUSINESS
1) Any other business that may come before the Board for discussion.

ADJOURNMENT

***For more information please contact our office***
VARIANCE REQUEST
STAFF REPORT

Applicant:
Scott Peters
13207 Lolo Creek Drive
Lolo, MT 59847

Property Location:
14849W Sunset Lane

Summary of Request:
The applicant(s) are requesting to build a 24’ x 24’ detached garage (26’ x 26’) with eaves. The proposed garage would be located 22’ at the closest point to a non-navigable wetland.

Project History:
The applicants had initially contacted Sawyer County Zoning to do an onsite inspection report for a possible garage location. At time of onsite it was determined that there was small 14’ x 20’ area that would meet all setbacks but would require removal of a large portion of a rock retaining wall. After discussing this area with the applicant Mr. Peters had decided to apply for a variance in that the area of an accessory structure to meet all setbacks would not be large enough (see applicant’s statements in additional information worksheet). It is also important to look at the potential removal of the rock retaining wall. This rock retaining wall that would need to be rebuilt to slide the garage over further from the wetland would not only be a large financial burden but could also be construed that it would be a unique physical limitation of the property that by doing so may have impacts on the adjacent property owner. It could also be potentially more detrimental to the ecology of the area with loose earth material needed to be moved off site then a reduced wetland setback.

The proposed accessory structure would only be 1 story in height and would also be placed over an area of existing blacktop. The total impervious surfaces with the proposed structure would be 1.6% as that the Peter’s land area includes most of the larger wetland complex and unbuildable area across the road. With regards to the reduced wetland setback the proposed location would meet all other setbacks.

On-site Notes/Comments:
*see onsite Inspection Report*

Hardship/Justification:
Variances seek a relaxation of a dimensional standard in the code. The decision to grant a variance must be supported by practical justification, which include 1.) that the code is unnecessarily burdensome and the landowner is not able to enact a permitted use without a relaxation of the dimensional 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):

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):

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):

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.

2
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.
4. All other required setbacks must be complied with.
5. All permits must be obtained, including land use, building, and sanitary or proper connection to municipal sewer.
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. A plat of survey or Certified Survey map is required prior to the start of construction.
10. The wetland boundary shall be delineated and shown on a certified survey map, prior to construction.
11. Any future construction cannot occur without first obtaining a variance.
12. A driveway permit must be obtained from the Town/County/State Highway Department, and the construction of the driveway must be in accordance with that permit and any other standards, including end slopes, minimum and maximum top widths, and other requirements.
13. A property address must be assigned, based upon the driveway location, once the permanent location is determined.
14. The existing driveway shall be removed within 60 days.
15. The Board agrees with the concerns of DNR but on-site observations and conditions of approval should mitigate those.
16. The driveway shall meet all code specifications and shall provide suitable turnaround to prevent backing onto the road.
17. A uniform property address will need to be assigned, once the permanent driveway location is established.
18. 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.

(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 (add or delete as needed):

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 ____________, 2019.

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 Sand Lake  
County of Sawyer

SUBJECT: Variance Application

To: Sawyer County Zoning & Conservation Administration  
10610 Main Street, Suite 49  
Hayward, Wisconsin 54843-0668

Owner: Scott Peters 651-492-7260  
Address: 6705 Oak Grove Pkwy N Unit 1114 Brooklyn Park, MN 55445

Anticipated time of presentation (minutes) to the Board of Appeals (Circle one): <15/15-30/>30

Property description: PRT GOVT LOT 2, LOT 1 CSM 19/106 #5616  
S13 T39N R09W  
026-939-13-5228  
#14849W Sunset Lane

Volume and page no. of deed: QCD# 387756

Acreage and lot size: 6.23 Acres

Zone district: Residential/Recreational One (RR1)

Application is for: The construction of a 24' x 24' (26' x 26') with eaves accessory building located 22' at closest point from a non-navigable wetland boundary line.

Variance is requested as: Section 14.3, Setbacks from Navigable Water, Wetland, and Bluffs, Sawyer County Zoning Shoreland-Wetland Protection Ordinance, would require the prior granting of a variance for any new structures located closer than 40' to the boundary of a non-navigable wetland.

Name and address of agent:

Signatures of property owner and agent and/or purchaser. The above hereby make application for a variance. The above certify that the listed information and intentions are true and correct. The above person/s hereby give permission for access to the property for onsite inspections.
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.").

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

**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.").

**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.")

Alternatives are just a single car garage. This is a home and a 2 stall garage makes the use of space more effective.
b) Alternatives you considered that require a lesser variance and reasons you rejected them.
   (e.g., "Addition is the minimum size that is required.").
   A single stall garage does meet the required setbacks, but is not useful.

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.").

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.").

☐ 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.

Grantsy the variance will NOT harm any Public interests, neighbors or community. The garage will have a positive impact to the property.

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 weighs against the limitations full compliance would impose on use of the property.

Is unnecessary hardship present?

☑ Yes. Describe.

☑ The garage will help us be able to park our vehicles inside during to cold winters and be able to store seasonal items (lawn mower...)

☐ No. A variance cannot be granted. During the winter
Sawyer County Zoning Administration
Inspection Report

Owner(s) Scott Peters  651-492-7260
Address  13207 Lolo Creek Drive  Lolo, MT 59847
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
□ Variance Required for reduced wetland setback

WD#381959   6.2 acres RR-1 & A-1 CSM 19/106  #14849W Sunset Lane

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Discussed with Scott Peters & Jay Kozlowski
Date & Time 06/21/19  2:00 PM
Signature of Inspector
Real Estate  Sawyer County Property Listing

**Today's Date:** 7/10/2019

**Tax ID:** 28381
**PIN:** 57-026-2-39-09-13-5 05-002-000280
**Legacy PIN:** 026939135228
**Map ID:** 2.28

**Municipality:** (026) TOWN OF SAND LAKE
**STR:** S13 T39N R09W
**Description:** PRT GOVT LOT 2 LOT 1 CSM 19/106 #5616

**Recorded Acres:** 6.230
**Calculated Acres:** 5.550
**Lottery Claims:** 0
**First Dollar:** Yes
**Waterbody:** Whitefish Lake
**Zoning:** (A-1) Agricultural One (RR1) Residential/Recreational One
**ESN:** 423

**Updated:** 6/4/2019

**Ownership**

**Created On:** 2/6/2007 7:55:48 AM

**Updated:** 6/4/2019

**Billing Address:**

**Mailing Address:**

**SCOTT M PETERS**

**SCOTT M PETERS**

**TOWN OF SAND LAKE**

**6705 OAK GROVE PKWY N UNIT**

**STONE LAKE 54876**

**1114**

**BROOKLYN PARK MN 55445**

**STR:** S13 T39N R09W6705 OAK GROVE PKWY N UNIT

**BROOKLYN PARK MN 55445**

**Description:** PRT GOVT LOT 2 LOT 1 GSM 19/106 #5616

**Recorded Acres:** 6.230

**Calculated Acres:** 5.550

**Lottery Claims:** 0

**First Dollar:** Yes

**Waterbody:** Whitefish Lake

**Zoning:** (A-1) Agricultural One (RR1) Residential/Recreational One

**ESN:** 423

**Updated:** 6/4/2019

**Property Assessment**

**Updated:** 2/6/2007

**2019 Assessment Detail**

<table>
<thead>
<tr>
<th>Code</th>
<th>Acres</th>
<th>Land</th>
<th>Imp.</th>
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<tbody>
<tr>
<td>G1-RESIDENTIAL</td>
<td>2.230</td>
<td>282,300</td>
<td>84,900</td>
</tr>
<tr>
<td>G5-UNDEVELOPED</td>
<td>4.000</td>
<td>1,200</td>
<td>0</td>
</tr>
</tbody>
</table>

**2-Year Comparison**

<table>
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<tr>
<th>Land</th>
<th>2018</th>
<th>2019</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improved</td>
<td>283,500</td>
<td>283,500</td>
<td>0.0%</td>
</tr>
<tr>
<td>Total</td>
<td>368,400</td>
<td>368,400</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

**Updated:** 6/4/2019

**Recorded Documents**

**QUIT CLAIM DEED**

Date Recorded: 10/14/2013  
387756

**WARRANTY DEED**

Date Recorded: 8/13/1999  
278592 681/399

**NOTE**

Date Recorded:
CERTIFIED SURVEY MAP

Port of Government Lot E, Section 13, 135-75 N, R. W., Town of Bond Lake, Sawyer County, Wis.

Legend:
- Donated monument as noted
- Donated 1/2 x 30' iron box sink (wt: 150 lbs. / ft.)

Bearings referenced to the E-W line of Sec. 13, assumed to bear south 98° 29' 10" West

David L. Rieder
David L. Rieder
Registered Land Surveyor
Wisconsin Reg. # 6-1979
6 June 1977

Certified Survey No. 5616

Sheet 1 of 2 Page 1 of 2
VARIANCE REQUEST
STAFF REPORT

Applicant:
Donna Yackel
PO Box 748
Hayward, WI 54843

Agent: John Yackel

Property Location:
7602N White Beach Road

Summary of Request:

The applicant(s) are requesting to build a 3' x 20' addition onto an existing non-conforming principal structure. The existing principal structure is located 18' to the OHWM of Durphee Lake. The proposed expansion area would be located at 40' from the OHWM and would then connect the existing principal structure (cabin) to the existing accessory structure (garage). This type of expansion would not be allowed by any other type of exemptions and is a variance request for a reduced OHWM setback.

Project History:

The applicants had initially contacted Sawyer County Zoning in hopes of being able to do a small 6' x 6' expansion to add a mechanical room off to the side. They were hoping that the 1-time 200sq ft expansion area would be allowed for this scenario but the 200sq ft expansion only works for existing principal structures located greater than 35' from the OHWM. With talking to the contractor on this project and the agent/applicant it was decided that the minimum relief necessary as well as what ultimately could be done with the property if the variance was approved was to connected the existing cabin and garage with the proposed 3'x20' expansion area. If the variance is approved the existing garage area could then be rebuilt in the same footprint and could also vertically expand it include additional habitable area. Currently the eave lines of these 2 separate structures almost overlap right now. Correspondences have been sent to the DNR for the proposed variance request. Through e-mail communications with the Department of Natural Resources they have no objections to the proposed variance application.

On-site Notes/Comments:

*see onsite Inspection Report*

Hardship/Justification:
Variances seek a relaxation of a dimensional standard in the code. The decision to grant a variance must be supported by practical justification, which include 1.) that the code is unnecessarily burdensome and the landowner is not able to enact a permitted use without a relaxation of the dimensional 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):

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):

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)

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.
4. All other required setbacks must be complied with.
5. All permits must be obtained, including land use, building, and sanitary or proper connection to municipal sewer.
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. A plat of survey or Certified Survey map is required prior to the start of construction.
10. The wetland boundary shall be delineated and shown on a certified survey map, prior to construction.
11. Any future construction cannot occur without first obtaining a variance.
12. A driveway permit must be obtained from the Town/County/State Highway Department, and the construction of the driveway must be in accordance with that permit and any other standards, including end slopes, minimum and maximum top widths, and other requirements.
13. A property address must be assigned, based upon the driveway location, once the permanent location is determined.
14. The existing driveway shall be removed within 60 days.
15. The Board agrees with the concerns of DNR but on-site observations and conditions of approval should mitigate those.
16. The driveway shall meet all code specifications and shall provide suitable turnaround to prevent backing onto the road.
17. A uniform property address will need to be assigned, once the permanent driveway location is established.
18. 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.

(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 (add or delete as needed):

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 ________________, 2019.

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.
SUBJECT: Variance Application

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

Owner: Donna Yackel
Address: PO Box 748 Hayward, WI 54843

Anticipated time of presentation (minutes) to the Board of Appeals (Circle one): <15/ 15-30/>30

Property description: PRT GOVT LOT 2
S35 T40N R09W
002-940-35-5202
#7602N White Beach Road

Volume and page no. of deed: TRD# 416578

Acreage and lot size: 0.78

Zone district: Agricultural One (A-1)

Application is for: The construction of a 3' x 20' addition onto an existing non-conforming structure located 18' from the ordinary high water mark (OHWM) of Durpee Lake. The proposed footprint expansion area would be located 40' from the OHWM garage with eaves. The proposed addition would connect the existing principal structure to an existing detached garage and make them attached.

Variance is requested as: Section 6.1 Shoreland Setbacks of the Sawyer County Shoreland-Wetland Protection Ordinance, would require the prior granting of a variance for any structure located closer than 75' to the OHWM of a navigable body of water. No other exemption may be used for this type of expansion.

Name and address of agent:

JOHN YACKEL
8700 N OLD 27 ROAD
HAYWARD, WI 54843
715-634-1767

Signatures of property owner and agent and/or purchaser. The above hereby make application for a variance. The above certify that the listed information and intentions are true and correct. The above person/s hereby give permission for access to the property for onsite inspections.
Variance Application

Variance # 19-007  Town of  Date of Public Hearing  9-17-19

Mail Original to: Sawyer County Zoning & Conservation  Email: Kathy.marks@sawyercountygov.org
10610 Main Street, Suite #49  Hayward, WI 54843  715-635-8288

Owner: DONNA YACKEL  Phone: 715-634-8227
Address: 7602 White Beach RD  Email: DNYACKEL@charter.net
Hayward, WI 54843

Property Description:

Acreage: .780  Zone District: __________

Application for: Variance - Approxi 3' x 20' for addition of a furnace to make year round living. Addition will connect cabin + detached garage.

Signature of property owner  Date 8-2-19
Signature of property owner  Date

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(s) hereby gives permission for access to the property for onsite inspection.

Agent: __________________________________________
Address: __________________________________________
Phone: __________________________________________
Email: __________________________________________

Fee: $500.00
APPLICATION FOR VARIANCE
SAWYER COUNTY BOARD OF APPEALS
ADDITIONAL INFORMATION
(To be completed by applicant)

Completed by DONNA & JOHN YACKE

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

Part 1. Applicant supplied Information.
Current use of your property & improvements - (e.g., "Property contains a residential home with a detached garage.").

- Property contains a residential home with a detached garage. Garage located directly behind house from lake.

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

- Add a 3' x 20' addition to connect house + garage

Describe the effects on the property if the variance is not granted - (e.g., "The addition is required for year-round living and protecting property value.").

- Currently its a 3 season cabin with no room for a furnace. Addition is required to house furnace & adequate laundry for year round living space.

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.

- House is within 35' from high water mark.
- Furnace unable to go in crawlspace due to size + moisture.

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

- Addition is the minimum size that is required."

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

- (e.g., "Erosion during construction - will be controlled with silt fencing. After construction there will be a greater impervious surface area. Gutters and downspouts will be used to divert water away from other properties and the lake. Shoreline buffer zone will be planted with native vegetation, trees and shrubs.").

The garage + house are 3 Ft. Apart. Connecting them will have little effect on view by neighbors + will not change have negative impact on drainage.
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.

☐ 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.

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 weighs against the limitations full compliance would impose on use of the property.

Is unnecessary hardship present?

☐ Yes. Describe. The Cabin does not contain a furnace + current structure does not allow adequate space for addition of furnace for year round living. Furnace will be placed either in 3 ft. space or Garage. Garage is not being made into living space. Only a utility room, laundry, + Breeze way.

☐ No. A variance cannot be granted.
Real Estate Sawyer County Property Listing

Today's Date: 8/2/2019

Description Updated: 8/9/2018

Tax ID: 4060
PIN: 57-002-2-40-09-35-5 05-002-000020
Legacy PIN: 002940355202
Map ID: 2.5
Municipality: (002) TOWN OF BASS LAKE
STR: S35 T40N R09W
Description: PRT GOVT LOT 2
Recorded Acres: 0.780
Lottery Claims: 0
First Dollar: Yes
Waterbody: Durphee Lake
Zoning: (A-1) Agricultural One
ESN: 407

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: 2/5/2014
2 TRUSTEES DEED Date Recorded: 2/15/2019 416578
2 WARRANTY DEED Date Recorded: 10/15/2018 414884
2 TERMINATION OF DECEDENTS INTEREST Date Recorded: 8/6/2018 413712
2 WARRANTY DEED Date Recorded: 12/21/1962 115483 101/443

Ownership Updated: 2/19/2019
DONNA M YACKEL HAYWARD WI

Billing Address: DONNA M YACKEL
PO BOX 748
HAYWARD WI 54843

Mailing Address: DONNA M YACKEL
PO BOX 748
HAYWARD WI 54843

Site Address 7602N WHITE BEACH RD HAYWARD 54843

* indicates Private Road

Property Assessment Updated: 9/13/2012

2019 Assessment Detail
Code Acres Land Imp.
G1-RESIDENTIAL 0.780 87,500 81,900

2-Year Comparison
Land: 87,500 87,500 0.0%
Improved: 81,900 81,900 0.0%
Total: 169,400 169,400 0.0%

Property History

N/A
Sawyer County Zoning Administration
Inspection Report

Owner(s)  Lawrence and Dolores Landgraf (715) 634-3292
Address  7602N White Beach Rd., Hayward, WI 54843
Agent/Purchaser
Address
Blk/Plb/CST
Address

Inspection  ☒ Private  ☐ Public  ☐ Violation  ☐ Zoning  ☐ Sanitation
☐ Dwelling  ☐ Mobile Home  ☐ Commercial  ☐ Garage  ☒ Addition
☐ Setback - Lake  ☐ Setback - Road  ☐ Setback - Lot Line  ☐ Soils Verification
☐ Variance

101/443, Acres: 0.78, RR-1

Discussed with  Larry Landgraf, Bill Christman
Date & Time  July 11, 2006, 3:00 PM
Signature of Inspector  Eric Weller - July 11, 2006