AGENDA
SAWYER COUNTY BOARD OF APPEALS
October 15, 2019
6:00 PM at Sawyer County Courthouse

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

VARIANCE APPLICATIONS
1) Town of Edgewater - #19-008; Craig & Lisa Longacre. Woodland Park, Lot 6; S19, T37N, R09W; Parcel #008-192-00-0600; .268 Total Acres; Zoned Residential/Recreational One (RR-1). Application is for the construction of a 24’ x 24’ (26’ x 25’ with eaves) attached garage on a proposed 24’ x 80’ house including a covered porch and attached storage area. The proposed attached garage area and storage area is the portion needing the variance approval. The attached garage would be 34.5’ at the closest point to the centerline of Maple Terrace Drive, a Town road and 24’ at the closest point to the road right-of-way. Variance requested as: Section 4.21 (3) Setback Requirements on Highways and Roads, Sawyer County Zoning Ordinance, would require the prior granting of a variance for any structure located closer than 63’ to the centerline of a Town Road or 30’ from the right-of-way, whichever is greater. The centerline setback is greater.

NEW BUSINESS
1) Approval of 2020 meeting dates.
2) Any other business that may come before the Board for discussion.

ADJOURNMENT

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

Applicant:
Craig (Bob) Longacre

Property Location:
2895 28 7/8 St.
Birchwood, WI 54817

Summary of Request:
The applicant, Bob Longacre, is requesting a variance to construct a 24’ x 24’ (26’ x 25’) attached garage on a proposed 24’ x 80’ house including covered porch and storage/shop area. The proposed attached garage area and storage area is the portion needing the variance approval for reduced town road setback. The attached garage would be 34.5’ at the closest point to the centerline of the paved portion of Maple Terrace Drive, a town road. The proposed attached garage would also be 24’ at the closest point to the road right-of-way. All other setbacks are to be met per other Sawyer County Zoning and Shoreland Zoning Ordinances.

Project History:
The applicant is planning on removing the existing cabin on the property and building a new principal structure. This property is eligible for an average lake setback distance of 49’ from the OHWM. This is an allowed average setback per the Sawyer County Zoning Shoreland-Wetland Protection Ordinance. With building right at the 49’ setback the applicant plans on having a 10’ covered porch then going back to a 58’ x 24’ (2 story) habitable living area. The lot is only 66’ wide so the 24’ in width would be the max width for side lot line setbacks with still allowing a 1’ overhang. Based on the uniqueness in topography of this site the applicant is then planning on attaching a 12’ x 24’ storage area/shop on the back of the house. This shop area will also have a staircase in it to alleviate the slope to enter the house. On the back of the storage area there would then be an attached 24’ x 24’ garage. The garage area as well as a portion of the attached storage area is the portion needing relief from a Town Road setback variance.

The Town Road is somewhat unique in this area in that the platted road right-of-way only measured 32’ in width as opposed to the standard 66’ wide ROW. Also, the paved portion of the road which is only 22’ in width is located further to the north within the ROW. There appears to be other non-conforming structures along this stretch of road already located at a closer setback distance then what is being proposed.
The total footprint of the entire new structure is to be 104' x 24'. However, the BOA should be specifically looking at the reduced road setback variance. As per the matters of impervious surfaces this is something that the applicant will need to address with Sawyer County Zoning & Conservation (ZAC) in the form of additional mitigation. Furthermore, ZAC will also be addressing water run-off issues in the form of an additional grading permit which will most likely require a series of teared or terraced rain garden or small settling areas along each side of the proposed structure down the hill to the lake as well as a series of erosion control measures prior to final construction. The applicant is aware of these requirements and plans to take the appropriate measures to ensure that he is not to alter the watercourse from off of his property or adversely affect either adjacent property owner.

**On-site Notes/Comments:**
See attached inspection report completed by Jay Kozlowski as part of the onsite visit on 8/18/19. At that site visit the average setback was determined and the road setback variance measurements were taken.

**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:

1. No other alternatives exist.
2. A minimal relaxation of code is being granted.
3. The construction matches the lot and available area.
4. The impacts of construction are being minimized by mitigation.
5. A permitted use is not possible on this property without a variance approval.
6. The circumstances are beyond the control of the applicant, and are unique to the property not the applicant.
7. The lot predates zoning regulations.

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:

1. Very little or no buildable area exists.
2. The lot depth is very shallow.
3. Steep slopes exist.
4. There is no other room for a septic system.
5. Overall small lot size.
The variance will not harm the public interest or neighboring land uses, and damage the intent of the zoning code because:

1. Visibility is good at the driveway location.
2. Traffic is light.
3. Good vegetation exists or is proposed.
4. The proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed.
5. A literal enforcement of the zoning code would be unnecessarily burdensome.
6. 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:

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. All other required setbacks must be complied with.
4. All permits must be obtained, including land use, building, and sanitary or proper connection to sewer.
5. All code requirements must be complied with.
6. It is the responsibility of the builder and landowner to protect the neighboring lots, lake, and road during construction.
7. 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.
8. 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 (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 ________________, 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 54843-0668

Owner: Craig Robert Longacre 715-651-2961 boblongacre1@gmail.com
Address: 2895 28 7/8 St. Birchwood, WI 54817

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

Property description: Woodland Park Lot 6
S19 T37N R09W
008-192-00-0600
#16854W Maple Terrace Drive

Volume and page no. of deed: WD# 258724

Acreage and lot size: 0.31

Zone district: Residential/Recreational One (RR-1)

Application is for: The construction of a 24' x 24' (26' x 25' with eaves) attached garage on a proposed 24' x 80' house including a covered porch and attached storage area. The proposed attached garage area and storage area is the portion needing the variance approval. The attach garage would be 34.5' at the closest point to the centerline of Maple Terrace Drive, a town road and 24' at the closest point to the road right-of-way.

Variance is requested as: Section 4.21(3) Setback Requirements on Highways and Roads, Sawyer County Zoning Ordinance, would require the prior granting of a variance for any structure located closer than 63' to the centerline of a Town Road or 30’ from the right-of-way, whichever is greater. The centerline setback is greater.

Name and address of agent: N/A

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

Completed by Craig R and Lisa R. Longacre
(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.


Current use of your property & improvements - (e.g., “Property contains a residential home with a detached garage.”).

The property contains a cabin approx. 100 years old. The cabin is seasonal only, non-insulated, and sits about 8 ft. from the north side property line.

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

The proposed attached garage would be within the required side yard set-backs. The requested variance would be for 23’ of the 25’ depth of the garage being within the requirement of 63’ roadway centerline.

When platted in 1919, Maple Terrace Drive had a roadway width of 20 feet. In 1978 the Town of Edgewater took a 12 foot wide strip on the East side of Maple Terrace Drive for ditching and utilities which would then make Maple Terrace Drive a 32 foot roadway. If measuring from the 16’ centerline would only require a 47’ setback from the edge of the roadway. With a 25’ set back requested to the face of the garage for a driveway, only a portion (22’) of the proposed 24’ attached garage would be inside the requested variance area.

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.”).

The existing cabin is not conducive to year-round living and there are structural issues due to its age. The lot is narrow to today’s lot standards. The lot has a 6% slope and meeting current building requirements is difficult.

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.") Space is not available due to already working with the average setback from the lake and 63' from the roadway centerline, again the lot is narrow and steep. In meeting various builders on site, the general consensus is to keep the well and sewage tank on the south side of the property, which is the higher existing ground. Looking at building a detached garage at the north side of the property along the road would require it to be built on non virgin ground, close to the neighbors garage which has a side staircase, and positive drainage would be impossible to not affect the neighbor. Also with the proposed attached garage being in line with the house the area around the neighbor’s garage could be utilized for a rain garden. See attached additional comment page.

b) Alternatives you considered that require a lesser variance and reasons you rejected them. (e.g., "Addition is the minimum size that is required."). Possibility of a detached garage were found not to be practical. See attached additional comment page

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.").

Silt fencing will be installed prior to construction as required. Gutters and downspouts will be installed to divert water away from other properties and the lake. Shoreline buffer zone will be planted with native vegetation, trees and shrubs. Great efforts will be made to control erosion during construction. After construction there will be multiple rain gardens installed to divert water away from other properties as well as the lake. See attached additional comment page
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.

Again rain gardens and natural vegetation will be installed to control run off. An attached garage would not harm the public interests. A year round home would also result in a higher tax bill. See attached additional comments page.
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.

An attached garage would enable the home and garage to be built on virgin ground as well as allowing a direct and safer entry into the living area, especially during inclement weather for aging people. See attached additional comments page.

No. A variance cannot be granted.
Thank you for hearing our request today. We would like to expand on the additional information attached to the Variance Application.

It is with a heavy heart we come before you today to request letting go of a longtime family friend. The property was purchased by my grandparents in 1954 knowing that the long trip from Central Illinois to the well known Sawyer County area would be worth the trip because of the outstanding fishing and the Northwood’s ambiance. My family traveled from the Chicago suburbs to this area with the same amount of excitement. Thankfully now days we have better roads and some of my family still travel here from all over the United States. The property has passed down 3 generations with the existing cabin being approximately 100 years old. It is deteriorating due to the lack of use and is only of a seasonal use. The cabin has no insulation and has structural issues as well. Upon retiring from my job in Illinois, we knew Birchwood was the place we wanted to call home and therefore my wife and I purchased an RV Park in town in 2015. One of the joys is hearing from our guests about their great travels in the area. Due to the cabin being only of seasonal use and very occasionally used, it has come to the point of the maintenance needs exceeding the amount of use.

Submitted for this variance request are photographs and a location map of 6 existing garages along Maple Terrace Drive showing their distances from the edge of the blacktop road to their eave. The photo of the garage located at Fire Box 16730 has an attached garage which had a variance approved by Sawyer County Zoning Board. When platted in 1919, Maple Terrace Drive had a roadway width of 20 feet. In 1978 the Town of Edgewater took a 12 foot wide strip on the East side of Maple Terrace Drive for ditching and utilities which would then make Maple Terrace Drive a 32 foot roadway. If measuring from the 16’ centerline would only require a 47’ setback from the edge of the roadway. With a 25’ setback requested to the face of the garage for a driveway, only a portion (22’) of the proposed 24’ attached garage would be inside the requested variance area.

After meeting with an architect and numerous contractors, as well as Jay Kozlowski of Sawyer County at the property, numerous options were evaluated and only a few were found practical. With a 66’ wide lot and with 40’ side yard requirements, only a 24’ wide house can be built with 1’ eaves. The proposed house is a basic 1 bedroom home with a kitchen, living room, laundry area and bathroom above grade. After meeting with numerous concrete contractors, the general consensus is to build an attached garage with 6’ transition stairs internally from the garage to the storage area for access to the house, to accommodate the slope of the existing ground. This would utilize the 21’ drop from the road to the existing cabin floor. This would also allow all levels to be built on virgin ground.
An attached garage that is utilized during the winter months only has to have a plowed drive for access to the house. A detached garage has to have a plowed drive as well as snow removed from the garage to the house for access. As we all know, steps and slopes can be dangerous especially during the winter months. Of the existing detached garages along our side of the road, none are with houses/cabins of a year round use. Perhaps one might conclude that an attached garage is of less of a priority with only a seasonal use.

Two contractors were reluctant to estimate costs due to the closeness of a detached garage to the house. To build a detached garage to the south would block access to the side of the house which would have access to the well and sewage tank. The south side of the house is also the more elevated of the two sides of the lot. To build a detached garage to the north would require a tremendous amount of fill, would not be built on virgin ground, it would be in close proximity to the neighbor’s garage which has a side staircase, and would also negatively affect the neighbor in regards to drainage. To build a detached garage towards the center of the lot would not be practical due to being elevated and not being able to provide proper drainage between the garage and the house.

As far as drainage, we fully understand the importance of not impacting the neighbors with rainfall run off. We also understand and agree for the need to provide multiple rain garden areas on both sides of the house and in the allowable area in front of the house up to the 35’ setback as required to the lake.

We have all watched shorelines erode from water recreational vehicles over the years and we certainly don’t want to add to it from above on our property. We are educated in the need for deep rooted vegetation and have received good information from the Sawyer County Zoning and Conservation brochure.

In closing, this is not our ideal house, but a house that can provide a solution to putting an old friend to rest, enjoying the memories of the location, being by our long time neighbors, as well as enjoying the beautiful view of Big Birch Lake. We hope you understand our passion for the environment and help us achieve this goal.

Respectively submitted,

Craig and Lisa Longacre
Real Estate Sawyer County Property Listing

Today's Date: 9/5/2019

Description Updated: 7/18/2018

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Tax Districts

1 State of Wisconsin
57 Sawyer County
008 Town of Edgewater
650441 Birchwood School District
001700 Technical College

Recorded Documents Updated: 7/18/2018

WARRANTY DEED
Date Recorded: 1/13/1997 258724 595/49

NOTE
Date Recorded:

Ownership Updated: 7/18/2018

| CRAIG ROBERT LONGACRE |
| BIRCHWOOD WI |
| CRAIG ROBERT LONGACRE |
| BIRCHWOOD WI 54817 |

Billing Address:
2895 28 7/8 ST
BIRCHWOOD WI 54817

Mailing Address:
16854W MAPLE TERRACE DR
BIRCHWOOD 54817

Site Address * indicates Private Road

665441-000-600-000600

Property Assessment Updated: 6/16/2010

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2-Year Comparison

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Property History

N/A
Variances required for reduced town road setback to attached garage.

Proposed impervious surfaces to be at 23.5%. Owner would need to complete additional mitigation measures to be allowed higher percentage with approval for Zoning & Conservation Dept.

Discussed with Bob Longacre & Jay Kozlowski

Date & Time 08/21/19 2:00 PM

Signature of Inspector
0.05 ACRES
36844 SQ FT +/-

NOTE
SEE SURVEYOR'S NOTES BELOW

VOTE
HELD FOR ALIGNMENT AND DISTANCE, AND AS A LOT CORNER

1 3/4" IRON PIPE

IRCH LAKE

APPROXIMATE LOCATION OF STRUCTURES FOR REFERENCE ONLY.

EAVE CORNERS
CABIN

IN PLAN VIEW

7" TIMBER SPIKE

SEPTIC TANK

DEED DOC#166175

WOODLAND PARK

DEED DOC#6177

APPROXIMATE SOUTH LINE VACATED LOTS 15 THROUGH 32

OUTLINE OF SWANSON CSM 60

APPROXIMATE SOUTH LINE VACATED LOTS 15 THROUGH 32

5

5 ACRE
36644 SQ FT +/-

SEPTIC TANK

HINT A

NAIL MARK

SURVEY MARK

WELL

GARAGE

OAK

151.95' (152')

MAPLE TERRACE DRIVE

DEED DOC#166175

YACATED LOTS 15-32

WOODLAND PARK

DEED DOC#6177

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DEED DOC#6177

APPROXIMATE SOUTH LINE VACATED LOTS 15 THROUGH 32

OUTLINE OF SWANSON CSM 60

APPROXIMATE SOUTH LINE VACATED LOTS 15 THROUGH 32

5

5 ACRE
36644 SQ FT +/-

SEPTIC TANK

HINT A

NAIL MARK

SURVEY MARK

WELL

GARAGE

OAK

151.95' (152')

MAPLE TERRACE DRIVE

DEED DOC#166175

YACATED LOTS 15-32

WOODLAND PARK

DEED DOC#6177

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APPROXIMATE SOUTH LINE VACATED LOTS 15 THROUGH 32
Applicant submission showing other structures on slope terrace close to road.
Fire Box 16870W
Maple Terrace Dr
21' edge of road to eave
Fire Box 16802W
Maple Terrace Dr.
16½' edge of road to eave
Fire Box 16784W
Maple Terrace Dr
19' black top to eave
Fire Box 16730W
Maple-Terrace Dr
29' Black top to eave
FOUNDATION

SCALE: 1/8" = 1'-0"