

MINUTES
PUBLIC HEARING BEFORE THE
SAWYER COUNTY BOARD OF APPEAL
April 26, 2022

Board of Appeals

Al Gerber, Chairman
Laura Rusk
Steve Kelsey
Dee Dobilas
Gordon Christians
Jim Tiffany

ZONING ADMINISTRATION

Jay Kozlowski, Zoning & Conservation Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator
Pat Brown, Assistant Zoning 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 6:30 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Gerber, Rusk, Kelsey, Dobilas, Christians and Tiffany. Kozlowski, Brown and Marks are present from the Zoning office. TJ Duffy Corporation Council.

2) Statement of Board and Hearing Procedures and Hearing Notice. 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.

3) Minutes from previous meeting. Motion to approve the December 14, 2021 minutes by Gerber, second by Kelsey. All in favor.

4) Kozlowski not on BOA panel, Rusk recuses, Christians on for alternate.

APPEAL

a) A public Hearing in the Town of Hunter. APP #22-001. Appellant: Douglas Kurtzweil. Part of the NE ¼ of the NE ¼, Lot 2A CSM 6/382 #1318; S16, T40N, R07W; Parcel #012-740-16-1102; 1.02 total acres; Zoned Residential/Recreational One (RR-1). This Appeal is against the Zoning Administrator's decision regarding Old Arrow Resort use, falling within the definition of a "resort". Brown reads the application for the Appeal. Kozlowski explains his interpretation of the Ordinance and that he had asked for the Zoning Committee's input and also Council Roeker advice. Kozlowski also speaks of the correspondence timeline between Kurtzweil and himself. Steve Sorenson, attorney for Sawyer County speaks in support of Kozlowski's decision and interpretation of the Ordinance. Discussion with Board held. Attorney Linda Coleman for

Douglas Kurtzweil speaks against the decision of the Zoning Administrator, Kozlowski. Douglas Kurtzweil, appellant hands out 2022 advertising, photos and online advertising. Linda Coleman, Attorney for Kurtzweil speaks of the definition of a resort in the Sawyer County Ordinance. Linda Zillmer, Edgewater property owner speaks that resorts are not allowed in the RR-1 and RR-2 zone district. Laura Rusk, Town of Hunter Chairman speaks of the zone districts and resorts not allowed in them. Also Rezone and Conditional Use permits needed to have a resort. Benjamin Kurtzweil, Sawyer County resident speaks of resorts and the amenities. Attorney Steve Sorenson speaks of the definition of a resort and that in this case it is not a resort. He also speaks of seller's permits, business use, and interpreting the Ordinance. Discussion with Board held. Kozlowski rebuts comments and adds that the decision was made with the Zoning Committee. David Toczak, owner speaks of the name of the business and what it means. Linda Coleman, attorney for Kurtzweil speaks of the BOA being the judge and that this is a resort. Steve Sorenson, Sawyer County attorney speaks to the Board that this is not a de novo. Discussion by Board and Kozlowski. Laura Rusk, Town of Hunter Chairman speaks that Jay is not the bad guy. That the property needs to have a rezone and a conditional use permit to be able to be run as a resort. Kozlowski responds that could be considered "spot zoning" and that a CUP would not be allowed because of dimensional requirements. TJ Duffy, attorney for BOA speaks of no business being run out of the two cabins. Dee Dobalis, BOA member speaks of the name being a tribute to the previous owners. Discussion continues with Board. Motion by Gerber to deny the Appeal, second by Dobalis. No discussion. Roll call finds Dobalis – yes, Tiffany – yes, Kelsey – no, Christians – yes, Gerber – yes. 4 to 1. Request denied. Findings: Zoning Administrator and Zoning Committee followed the letter of the law as appears Sawyer County Zoning Ordinance and Shoreland Zoning Ordinance.

Break for 5 minutes. Meeting called back to order by Gerber.

VARIANCE APPLICATIONS

a) A Public Hearing for the Town of Bass Lake. VAR #22-001. Stipulation and Order to Remand for Reconsideration consistent with applicable Law. Owner: Dean & Heide Miller. Part of Government Lot 4, Lot 3 CSM 12/357 #3034; S06, T39N, R08W; Parcel #002-839-06-5404; .260 total acres; Zoned Residential/Recreational One (RR-1). Application requested: 3 specific elements of an after-the-fact variance request. 1) The construction of a patio/walkway area that is outside of the existing footprint area of the existing cantilever portion. This would be viewed as a 1' x 21' expansion area of the patio and wing-wall closer to the water. 2) The second element of the request has 2 specific expansions related to the same area. First is the relocation of an existing retaining wall not within the existing foot print. This existing retaining wall was relocated further from the water. The second specific request is by moving the retaining wall further back a smaller portion of walkway was added. The approximate size of the walkway expansion area is an 11' x 4' triangular portion. 3) Is the expansion of a walkway area that is approximately 1.5' x 5'. There was an existing walkway which was allowed for replacement and expansion of the patio area underneath the cantilever portion. However, there was a small gap where there wasn't an existing walkway area which has now expanded. All of these setbacks would be measured at 1' to the OHWM of Lac Courte Oreilles at the closest point. All other setbacks would be met. Variance requested as: All of the variance elements would be subject to the Section 6.1 Shoreland Setbacks of the Sawyer County Zoning Shoreland-Wetland protection ordinance would require the prior granting of a Variance for any new structures not within the existing footprint of the existing structures closer than 75'. This proposed request would be for an A-T-F Variance of a 1' shoreline setback for the elements previously described.

Kozlowski reads the reconsideration variance. Laura Rusk, Vice Chairperson is back on the Board. Mark Olson had resigned from BOA. Tiffany Recuses for lack of information. Gordon Christians is taking his place for this case. Discussion by Board. Kozlowski reads previous Motion from transcript. TJ Duffy, BOA attorney reminds Board to thoroughly discuss the case. Discussion by Board. Motion by Gerber to permit the Variance, second by Dobalis. Discussion by Board. Roll call finds: Dobalis – yes, Rusk – no, Kelsey – yes, Christians – yes, Gerber – yes. 4 to 1 in favor. There is no harm to public interest, neighbors or wildlife. There are rain gardens installed. It is a unique property with size. There would be more harm if removed. It would be a hardship to rebuild.

NEW BUSINESS

1) Kozlowski explains that the DNR is requesting in writing from the Board a letter for their input regarding Shoreland matters. Discussion by Board. Kozlowski will have it on the June agenda under discussion/action.

2) Any other business that may come before the Committee for discussion. None

ADJOURNMENT

Motion to adjourn by Rusk, second by Kelsey, all in favor.

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator.

DRAFT