

**MINUTES  
PUBLIC HEARING BEFORE THE  
SAWYER COUNTY BOARD OF APPEAL  
September 19, 2023**

**Board of Appeals**

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

**ZONING ADMINISTRATION**

Jay Kozlowski, Zoning & Conservation Administrator  
Kathy Marks, Deputy Zoning & Conservation Administrator  
TJ Duffy, Corporation Counsel

**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 5:00 P.M. in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Gerber, Rusk, Kelsey, Dobilas and Christians. Kozlowski and Marks are present from the Zoning office. TJ Duffy Corporation Council present.

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 July 18, 2023 minutes by Rusk, second by Kelsey. All in favor.

**APPEAL**

None

**VARIANCE APPLICATIONS**

A Public Hearing in the Town of Bass Lake. VAR #23-005. Michael Savitski. Grindstone Heights Lots 9-11, Block 4; S20, T40N, R08W; Parcel #002-142-04-0900; Tax ID #11139; .562 total acres; Zoned Residential/Recreational One (RR-1). Application request: Construction of a two story 24' x 50' (28' x 52' with eaves) dwelling attached to existing 24' x 24' (28' x 28' with eaves) garage. Proposed addition is to be located 2' to a platted undeveloped Town road right-of-way and 27' at the closest point to a non-navigable wetland. Variance requested as: Section 4.21(3) of the Sawyer County Zoning Ordinance, this would require prior granting of a Variance for any structure located closer than

63' to the centerline of a Town road or 30' to the right-of-way line. And Section 6.1 of the Sawyer County Shoreland-Wetland Protection Ordinance would require prior granting of a Variance for any structure closer than 40' to a non-navigable wetland. Kozlowski reads the application, staff report, Town opinion with findings, one opinion letter, along with the WI DNR response. Michael Savitski, owner speaks in favor of the application. Discussion with Board, Savitski and Kozlowski. No audience comments. Discussion by Board and Kozlowski. Motion by Rusk to approve the application as presented, second by Kelsey. Discussion held. TJ Duffy, Counsel advises. Rusk amends the motion to the Town Findings of Facts: 1) Unique property limitations – undeveloped town road on “map” which the Town would not develop due that 80% of the road is through County land. 2) No harm to public interest as only usable part of the road accesses on applicant property. 3) Unnecessary hardship is due to the parcel size by only allowing expansion of current structure with a variance to road/wetland setbacks. 4) Town of Bass Lake approval dependent upon DNR approval. Second by Kelsey. No discussion held. All in favor.

b) A Public Hearing in the Town of Round Lake. VAR #23-006. Owner: Barbara Betz & JT Mullen. Part of Government Lot 5, Lot 1 CSM 7/294 #1478; S30, T41N, R09W; Parcel #024-541-30-5516; Tax ID #23991; 1.54 total acres; Zoned Residential/Recreational One. Application requested for the construction for the 10.5' x 15' attached bathroom and entryway addition including 10.5' x 4.5' covered porch onto an existing principal structure located 26' at the closest point to the OHWM of Moose Lake. The proposed expansion would be 50'5 to the OHWM. Variance requested as: Section 6.1 of the Sawyer County Zoning Shoreland-Wetland Protection Ordinance, would require the prior granting of a Variance for any new structures located closer than 75' to the OHWM with no other exempt structures or reduced setback provisions. Kozlowski reads the application, staff report, Town opinion, no opinion letters returned, and WI DNR response. Terry Mullen, owner present and Barbara Betz, owner virtual speak in favor of the application. Discussion held with Board, Kozlowski and owners. TJ Duffy, counsel advises. Discussion continues with Kozlowski, owner and Board. TJ Duffy, counsel advises. No other discussion held. TJ Duffy, counsel advises. Discussion by Board. Motion by Gerber to deny the application as the 3-step process cannot be met. 1) No unique lot physical limitation, there are other alternatives that exist to build in another location. Second by Christians. No other discussion held. All in favor..

### **NEW BUSINESS**

a) 2024 Meeting Dates. Kozlowski informs the Board and Hands out calendars for the 2024 meeting dates and that motion decision will be held at next month's meeting October 20, 2023.

b) Discussion with Kozlowski, Board and TJ Duffy, advises regarding the Skul appeal and letter that was received from them to withdraw. Counsel explains procedure. Discussion held regarding a new worksheet for the variance

application. TJ Duffy, counsel advises. Kozlowski lets the Board know of a training session with Lynn Markham, that will be held in October that everyone should attend.

c) Any other business that may come before the Board for discussion. None

**ADJOURNMENT**

Adjourned at 6:35pm by Kelsey, second by Rusk. All in favor

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

DRAFT