

TOWN OF BASS LAKE
SAWYER COUNTY
PLANNING COMMITTEE & BOARD OF SUPERVISORS
THURSDAY, MARCH 6, 2014

MINUTES

Chairperson Mark Olson called the meeting to order at 6:30 pm. Members Present: Chairperson Mark Olson, Phil Nies, Dorothy "Doc" Brueggen, John McCue, Dick Theis, Dan Grothe, Dan Tyrolt and Mark Laustrup.

Phil Nies confirmed agenda was posted in compliance with open meetings law.

Motion by Brueggen, seconded by Laustrup to approve the agenda. Motion carried.

Motion by Laustrup, seconded by Brueggen to approve the minutes of the December 5, 2013 regular meeting. Motion Carried.

Correspondence - None

ZONING:

Variance Application – Bradley Herbert et ux. Lot 1, being part of Gov't lot 3, S18, T 40N, R 8W; Parcel 5312. Site location: #8707N Brossard Road. Volume 451 Records Page 304; CSM Volume 13 page 160. Property has 3.59 acres and is zoned Residential/Recreational One. Application is for the construction of a 38' x 24' (40' x 26' with eaves) dwelling located 20' to the centerline of a private access easement. All other setbacks can be met. Variance is requested as Section 4.21(6), Setback Requirements on Highways and Roads, of the Sawyer County Zoning Ordinance, would require the prior granting of a variance for any structure located closer than 30' from the centerline of a private access easement. Olson presented the variance application. Applicant was present. Olson reported that the County sent 11 letters and 6 letters were returned with no objection. Discussion followed. Application was approved with the condition that the old cabin is removed before construction begins. Applicant agreed to condition. The attached pages from the Town of Bass Lake Land Use and Zoning Guide were used to record the decision and will be submitted to the Clerk. Motion by Nies, seconded by Laustrup to approve the variance application with the condition that the old cabin is removed before construction begins. Motion carried. Findings of Fact:

1. There would be no change in the use in the zone district.
2. It would not be damaging to the rights of others or property values.
3. It would be due to special conditions unique to the property.
4. It would no be a self-created hardship.

OLD BUSINESS:

The Town of Bass Lake, Sawyer County Land Use and Zoning Guide was reviewed. Motion by Theis, seconded by Brueggen to approve and forward to the Town Board. Motion carried.

The Comprehensive Plan was reviewed.

NEW BUSINESS: None

Motion by Brueggen, seconded by Theis to adjourn at 7:15 pm. Motion carried.

Submitted by Phil Nies, Clerk Protem

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LAND USE & ZONING GUIDE

Template for Variance Approval Page 1

Town of Bass Lake Variance Decision

Owner: _____

Re: Variance Application

On the basis of the following Findings of Fact, Conclusions of Law, and the Record in this Matter, the Town Board of the Town of Bass Lake having considered said variance application, be it therefore resolved that said variance permit is hereby:

- APPROVED
APPROVED IN PART

Subject to the following conditions:

- Three empty lines for conditions with checkboxes.

Subject to the following conditions before Town will issue appropriate permit:

- Two empty lines for conditions with checkboxes.

FINDINGS OF FACT

The variance would not be contrary to the public interest and would be in compliance with the spirit and intent of the Sawyer County Zoning Ordinance and the Town of Bass Lake Comprehensive Plan Section 8.10 because;

- three checkboxes for public interest findings.

A literal enforcement of the terms of the Sawyer County Zoning Ordinance and the Town of Bass Lake Comprehensive Plan Section 8.10 would result in unnecessary hardship because;

- three checkboxes for hardship findings.

Town of Bass Lake Planning Committee: December 2013. This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning issue. It should not be considered a complete guide to applicable statutes or ordinances.

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CONCLUSIONS OF LAW

Based on the contents of the variance application, the zoning ordinance, the town comprehensive plan, state law, and the testimony and exhibits entered into the record the variance meets all three of the following tests:

1. Unique Property Limitation

That the applicant has demonstrated an unnecessary hardship due to a condition unique to the property and not personal to the applicant:

- checkbox unique steep slopes, checkbox unique wetland presence, checkbox unique parcel shape, checkbox unique shoreline characteristics, checkbox _____, checkbox _____

2. Unnecessary Hardship

That the hardship does consist of a situation where, in the absence of a variance, compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk or density will unreasonably prevent the owner from using the property for a permitted purpose ("use") or would render conformity with such restrictions unnecessarily burdensome ("area").

3. No Harm to Public Interest

That the applicant has demonstrated that the variance will not be contrary to the public interest and will not undermine the purpose(s) of the ordinance. The variance will not cause harm to:

- checkbox public health, safety, and welfare, checkbox water quality, checkbox natural scenic beauty, checkbox quality of fish or wildlife habitat, checkbox additional runoff, checkbox eroding shoreline, checkbox character of established area, checkbox minimization of property damages, checkbox _____, checkbox _____

The Town of Bass Lake Planning Committee recommends this decision to the Town Board.

Dated this _____ of _____, 20_____

Erica Warshawsky, Clerk

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