

# **TOWN OF ROUND LAKE PLANNING COMMISSION**

## **Application Process Guide**

The Town of Round Lake Planning Application Process Guide outlines the application, review, and public notification process to guide developers and individuals through all local regulation and approval processes as they relate to the Town of Round Lake Comprehensive Plan.

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## **I. Town of Round Lake Process as it Relates to Land Use and UDC Permits/Rezoning/Variances and Conditional Use Permits**

**Land Use Permits** are issued by Sawyer County Zoning.

**The Uniform Dwelling Code** (UDC) permit is issued by the Town of Round Lake (Boss Inspection Inc). New construction will require a New Sanitary Permit and Fire Number Application unless already existing. These permits are issued by Sawyer County.

**Change in Zoning (Rezone) and Conditional Use Permits:** Application is made through Sawyer County and requests are heard by the Sawyer County Zoning Committee under the following process: **(See attached Flow Sheets)**

- The application is made through the Sawyer County Zoning Administration
- The Sawyer County Zoning Administration reviews tax listers records and identifies property owners within 300 feet
- A Public Hearing date is set
- The applicant is informed of the Public Hearing date by letter and told to contact the Round Lake Town Clerk for Town Planning Commission and Town Board meeting dates
- Sawyer County sends an opinion letter and copy of the application to the Round Lake Town Clerk
- Sawyer County sends an opinion letter to affected property owners
- Sawyer County places legal notice in newspaper (twice)
- The request is heard by the Town of Round Lake Planning Commission with recommendation to the Town Board to approve, deny or table the request. The Town Planning Commission recommendation must be based on the Town Comprehensive Plan
  - The applicant or representative is required to appear at the Town Planning Commission Meeting
- The Town Board reviews the request and the Town Planning Commission recommendation. The Town Board can not approve a request that is inconsistent with the Town Comprehensive Plan without amending the Town Comprehensive Plan
  - Applicant or representative is required to appear at the Town Board Meeting
- The Town Board sends an opinion letter to Sawyer County Zoning Administration indicating whether it has approved, denied or tabled the request based on the Town Comprehensive Plan

- Property owners (within 300 feet) may submit opinion letters to Sawyer County Zoning Administration
- The Sawyer County Zoning Committee conducts a public hearing and will either deny the application, approve the application as submitted, approve the application with “conditions” established by the Committee or table the application
  - The decision of the Town is considered by the Sawyer County Zoning Committee in granting, denying or tabling the change or use requested.
  - The Sawyer County Zoning Committee recommendation is then sent to the County Board for ratification and after 40 days the Rezone change is final
  - Conditional use permits, variance on substandard lots and special use permits (Dwelling in Forestry Zone District) are approved by the Sawyer County Zoning Committee and are not sent to the County Board. The Sawyer County Zoning Committee makes the final decision and the permit is then obtained by the property owner
  - Rezoning decisions by the County Board are appealed by a Writ Certiorari to the Circuit Court

**Requests for Variances:** Follow the same notification/process as above except the request is heard by the Sawyer County Board of Appeals and property owners within 500 feet are notified of the request.

- If the variance request is denied, it may be appealed into the circuit court
- If the variance is approved a land use permit is obtained by the property owner

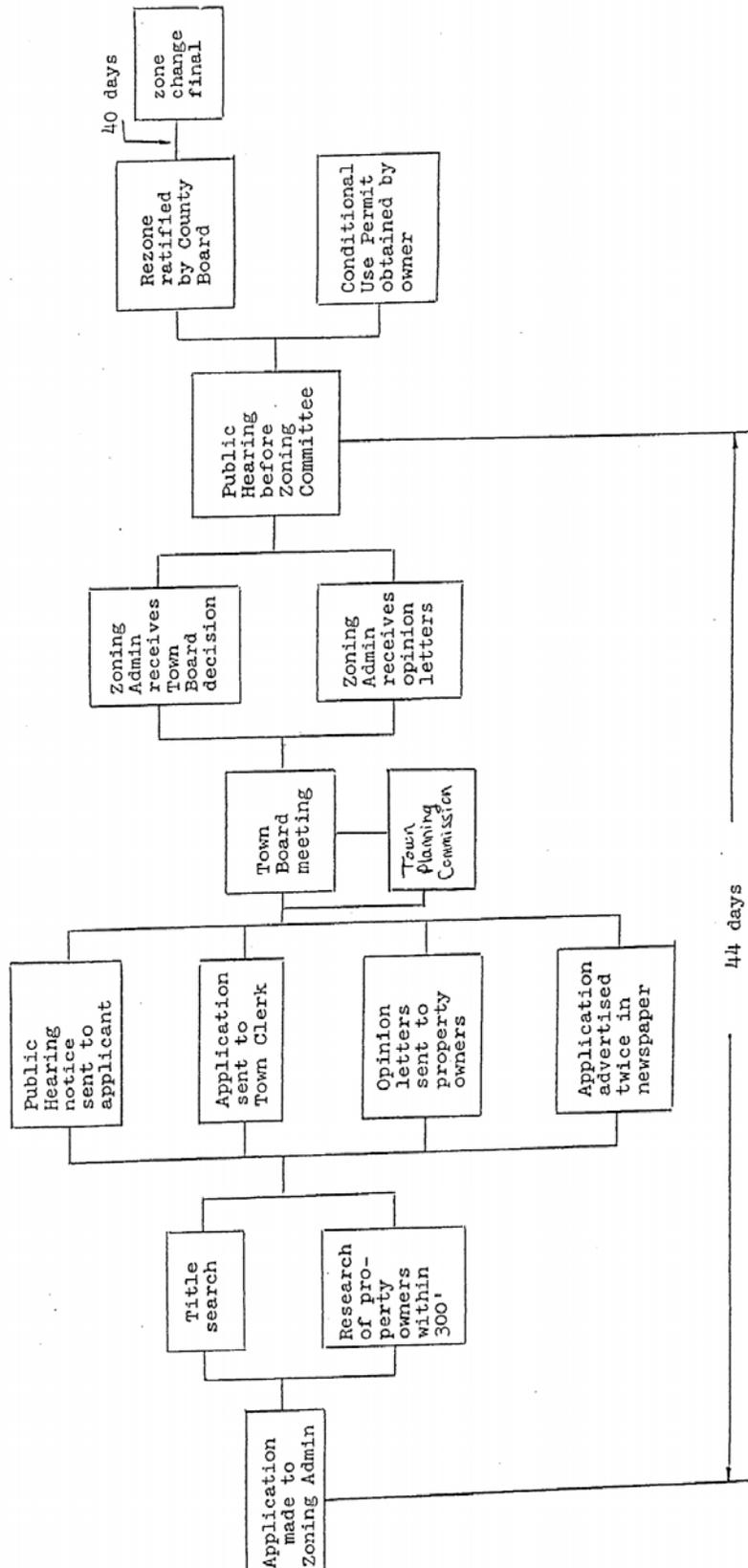
**For additional information regarding Sawyer County Zoning** (links to - Conditional Use, Variances, Rezones, Permits, Ordinances, Uniform Dwelling Codes, Shoreline Management, Wells):

<http://www.sawyercountygov.org/CountyDepartments/ZoningSanitation/tabid/70/Default.aspx>

**See the Attached Public Hearing Procedure Flow Charts for Variance, Rezone and Conditional Use Permits**

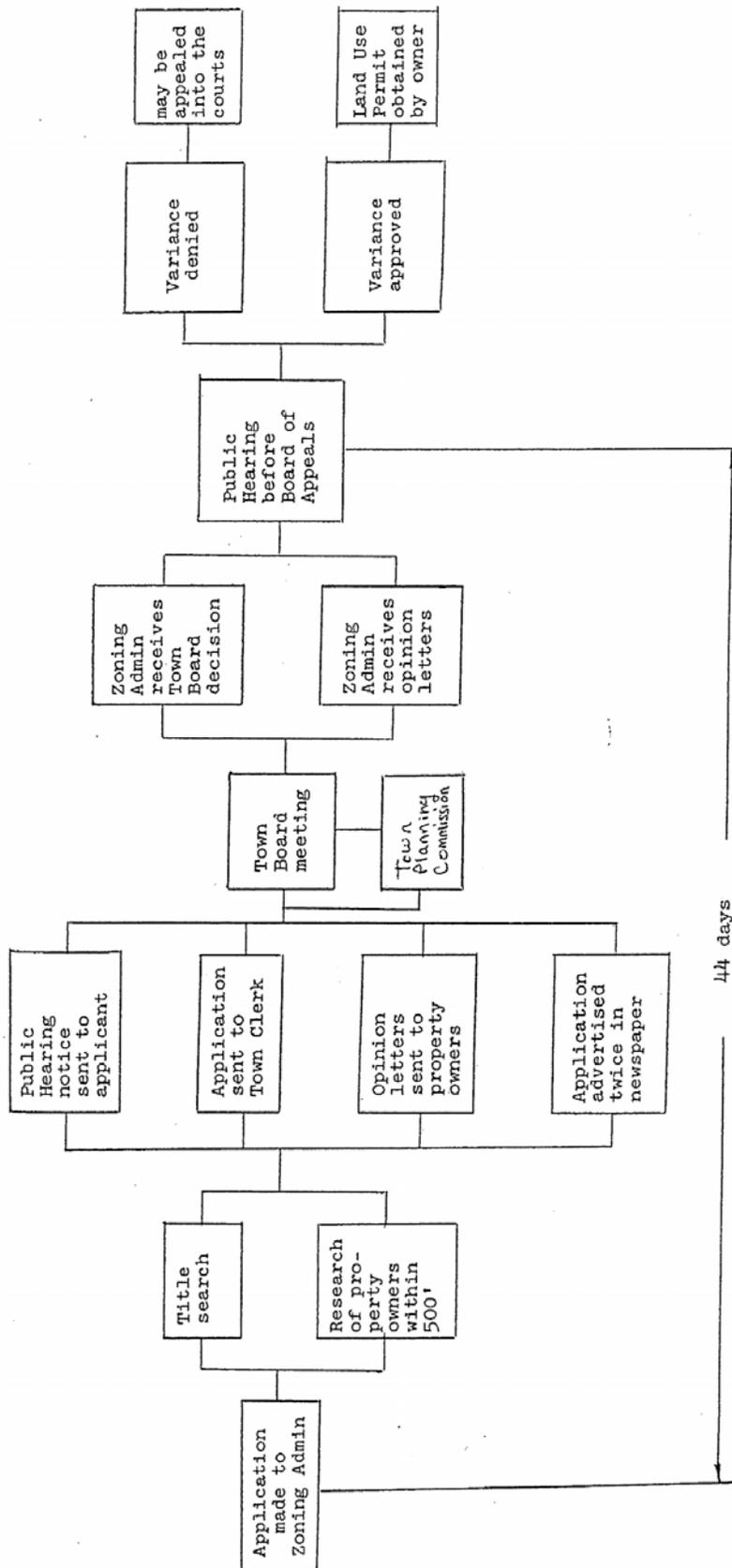
## II. Rezone and Conditional Use Permit – Public Hearing Procedure Flow Chart

REZONE AND CONDITIONAL USE PERMIT - PUBLIC HEARING PROCEDURE



### III. Variance – Public Hearing Procedure Flow Chart

PUBLIC HEARING PROCEDURE - VARIANCE



## Legal Standards for Variances

As a potential applicant for a variance, you need to be aware of the legal standards under which variance applications are to be evaluated. Wisconsin courts have stated that variances are not to be granted routinely. To do so would defeat the purpose of having a zoning ordinance. The courts have also stated that it is the burden of the applicant to show that their application meets the required standards.

The Planning Commission has been directed to submit to the Town of Round Lake Board an evaluation of all variance requests under the legal standards established by the courts. In order to justify the granting of a variance, the applicant must show that *an unnecessary hardship* exists, that there is a *unique property limitation*, and that *the variance would not be contrary to the public interest*.

The following points are all drawn from Wisconsin case law, and are the standards under which a variance action would be reviewed by the courts:

**Unnecessary Hardship.** What constitutes a hardship is to be determined from the facts and circumstances of each individual case. The Board must consider the following court-established principles:

1. Unnecessary hardship is a situation where, in the absence of a variance, an owner is unable to use the property for a purpose permitted by the ordinance, or strict conformity is unnecessarily burdensome. In most cases, if a property already is developed and has an established use, it is unlikely that a hardship will exist.
2. The hardship must be peculiar to the zoning parcel in question and different from other parcels, not one that affects all parcels similarly.
3. Loss of profit or financial hardship is not in and of itself grounds for a variance. The fact that developing in compliance with ordinance requirements may cost considerably more does not constitute a hardship.
4. Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.
5. The Board is to consider the underlying purpose of the ordinance standards in considering whether a hardship is present.

**Unique Property Limitation.** Unique physical characteristics of the property, not the desires of, or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of the property.

**Protection of the Public Interest.** Granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. In granting a variance, the Board may attach special conditions to ensure that the public interest will not be damaged. Such conditions must relate reasonably to the purpose and intent of the ordinance. Also, any variance granted should include only the *minimum relief* necessary to allow reasonable use of property.

Several recent Wisconsin cases (neither of which originated in Columbia County) clearly illustrate some of the above principles. They are described in brief here only because they have similarities to many of the variance requests that a county might typically receive, and to illustrate the extent to which the courts intended variances to be the exception, not the rule:

1. In one case, a property owner sought to add a deck to a lake home. The house met the 75 foot setback requirement; the proposed deck would have resulted in a setback of 64 feet from the ordinary high water mark. The house had been on the property for 60 years, and there was a slope extending from the house to the water's edge. The Board of Adjustment approved the variance, finding that, among other things, the request was "modest", that there were many other properties closer to the lake than the applicant, and due to the slope the deck provided greater safety. The Wisconsin Supreme Court overturned the decision, finding that because reasonable use had been made of the property for 60 years without the deck, no hardship could be said to exist.
2. In another, a property owner was granted a variance to build a house that was larger than the available building envelope on the property. The Wisconsin Supreme Court overturned the variance, stating that the owner had failed to demonstrate that no other house plan could be accommodated on the property within the setback limitations.

It is essential for you to understand these legal standards and that it is your obligation to demonstrate that your application meets these standards. A variance is not to be granted as a convenience to the property owner. If an evaluation of your application by the Planning Commission finds that the legal standards are not met, the staff report may include a recommendation for denial of the variance. While the Town of Round Lake Board is not bound by the information and recommendations in the Planning Commission report, it still has an obligation to follow the standards listed here in reaching its decisions. These decisions are then submitted to the Sawyer County Zoning Administration.

It is strongly recommended that you carefully consider whether the legal standards are met. If, after reviewing this information, you believe that you can meet these standards and wish to pursue an application for a variance, **contact the Sawyer County Zoning Administration for application materials.**

#### IV. Items to Address when Presenting your Plan to the Town of Round Lake Planning Commission

**Provide a site plan that includes the following information: (mandatory)**

- Property line measurements drawn to scale
- Set back measurements for current/proposed building(s)
- Well and Septic location
- Existing footprint
- Proposed footprint
- Architectural drawing to scale
- Relationships to shoreline/wetland if applicable
- Location of impervious surfaces (driveways, patios etc.)

**Review the Town of Round Lake Comprehensive Plan** – All decisions must be compatible with the Comprehensive Plan

- Town of Round Lake Comprehensive Plan
  - <http://www.nwrpc.com/planning/sawyer-comprehensive-plan/town-of-round-lake>

**Please be prepared to address the following when presenting your plan to the Town of Round Lake Planning Commission (where applicable):** References are provided to related information in the Comprehensive Plan: Goal (G), Objective (O) and Action item (A)

- Provide a master site plan for all development/redevelopment  
Land Use G2, O2, A1
- Consider land use choices that recognize adjacent land use practices and will not interfere with their use  
Land Use G 2, O1, A1
- Address adjacent land use compatibility with regard to noise potential, odor, population density, appearance, traffic generation, and light pollution  
Land Use G2, O1, A3
- Consider long-term implications of land use decisions on land value  
Land Use G1, O1, A9
- Develop a storm water management plan and practices to abate non-point source pollution and protect water quality including construction site erosion and post-construction runoff  
Housing G5, O2, A2; Natural Resources G4, O1, A5
- Use retention ponds/rain gardens for storm water management whenever possible  
Natural Resources G2, O1, A5
- Use riprap in ditches to prevent excessive flow of water within ditches  
Natural Resources G2, O1, A6

- Develop and maintain roads under private ownership to town standards  
Transportation G1, O2, A7
- Design driveways to allow adequate access for emergency vehicles  
Utilities & Community G8, O1, A1;
- Provide a development plan that will enhance the community character and limit sprawl  
Housing G1, O3; Nat Resources G1, O4, A2
- Plan residential densities to minimize effects on the environment  
Land Use G1, O2, A3; Housing G1, O1, A5
- Consider energy conservation and green building practices  
Utilities & Community G1, O2, A2
- Address conservation in development designs  
Natural Resources G3, O2, A4
- Use cluster development when possible  
Housing G1, O3
- Minimize visual impact by using methods such as vegetative buffers and landscaping, curbed driveways, and colors that blend in with the natural surroundings  
Housing G1, O2, A3; Land Use G2, O1, A4
- Avoid removing all or a significant amount of natural vegetation from properties prior to or after building  
Housing G1, O2, A2; Natural Resources G2, O1, A1
- Use natural buffer strips along public roads  
Housing G1, O2, A4
- Use native vegetation and trees in new developments  
Housing G5, O2, A3
- Prevent visual conflicts with our rural and northwoods character  
Natural Resources G1, O4, A2; Land Use G2, O1, A4
- Preserve open spaces, natural areas and forests  
Housing G1, O2; Housing A6; G1, O3
- Develop forest management plan  
Forestry G2, O1, A6
- Preserve historic buildings, farmland, and logging sites  
Cultural Resources G1, O2, A3; Agricultural Resources G1, O2, A5
- Protect environmentally sensitive, cultural, and archaeological important areas  
Land Use G1, O2, A2; Natural Resources G1, O1, A1
- Take responsibility for infrastructure development costs  
Housing G 5, O2, A1
- Place new utility transmission and distribution lines into existing public-right-of-ways whenever feasible  
Utilities & Community G1, O1, A3
- Use alternative wastewater treatment options (ie, new technologies, group sanitary systems)  
Utilities & Community G2, O1, A3
- Ensure that builders follow the rules of the Uniform Dwelling Code  
Housing G5, O1, A2

**For additional information regarding Town of Round Lake procedures, ordinances and/or land use regulations and programs contact:**

- Town Clerk, Kathy McCoy
- The town hall is located at  
10625N County Rd A  
Hayward, WI 54843
- Phone number is (715) 462-9271
- Office Hours are  
6 to 7 p.m. on Mondays and 9 to 12 p.m. on Thursdays
- e-mail address: [town015@centurytel.net](mailto:town015@centurytel.net)

## V. Information to Review as it Applies to Your Application

**You are encouraged to review the following information as it applies to your application:**

- Sawyer Co. Shoreland Protection Regulations
  - Section 4.4 of zoning regulations at <http://www.sawycountygov.org/CountyDepartments/ZoningSanitation/OrdinanceRulesandBylaws/ZoningOrdinance/tabid/323/Default.aspx>
- WI Construction Best Management Practices Handbook
  - <http://www.dnr.state.wi.us/RUNOFF/stormwater/techstds.htm>
- WI Forestry Best Management Practices for Water Quality
  - [http://www.dnr.state.wi.us/forestry/Usesof/bmp/index\\_water.htm](http://www.dnr.state.wi.us/forestry/Usesof/bmp/index_water.htm) or (pdf) <http://www.dnr.state.wi.us/forestry/Publications/>
- Availability of low cost loans for dwelling rehabilitation
  - Some internet links:
  - [http://www.neighborhoodlink.com/article/Repairs/Rural\\_Repair\\_Loans](http://www.neighborhoodlink.com/article/Repairs/Rural_Repair_Loans) or [http://www.govloans.gov/govloans\\_en.portal;jsessionid=KwF7LDCZgbKytZ8qRSsBSyfJDXpvh1X87HBzvtD8PQDLj2Jl0wnc!471262719?nfpb=true&pageLabel=gbcc\\_page\\_locateHousing&nfls=false&action=locateLoans&currentSubType=6](http://www.govloans.gov/govloans_en.portal;jsessionid=KwF7LDCZgbKytZ8qRSsBSyfJDXpvh1X87HBzvtD8PQDLj2Jl0wnc!471262719?nfpb=true&pageLabel=gbcc_page_locateHousing&nfls=false&action=locateLoans&currentSubType=6)
  - or <http://www.prlog.org/10060055-wisconsin-rural-loans-and-illinois-rural-housing-mortgage-loans-no-money-down-100-financing.html>
- Uniform Dwelling Code\ some links
  - <http://www.legis.state.wi.us/rsb/Code/comm/comm020.html>
  - or <http://www.johnsonlumbercompany.com/webpages/udcode.html>
- Town of Round Lake Comprehensive Plan
  - <http://www.nwrpc.com/planning/sawyer-comprehensive-plan/town-of-round-lake>
- Requirements relating to private on-site wastewater treatment systems (POWTS) design, installation inspection and maintenance
  - <http://www.commerce.state.wi.us/SB/SB-PowtsProgram.html>
- Standards for private roads and driveways in the Town
  - Town of Round Lake regulations Currently being developed

- COMM 83 regulations
  - Some internet links
  - <http://www.legis.state.wi.us/rsb/code/comm/comm083.pdf>
  - or
  - [http://www.wra.org/Government/land\\_use/septic\\_systems/comm83\\_resources.htm](http://www.wra.org/Government/land_use/septic_systems/comm83_resources.htm)
  
- Agricultural Programs available to agricultural landowners
  - Some links:
  - <http://basineducation.uwex.edu/gpsp/stormwater%20program/GuidetoConsPrograms06%20final.pdf>
  - or [http://wisconsinfarmland.org/documents/factsheets/AEA\\_FAQs.doc](http://wisconsinfarmland.org/documents/factsheets/AEA_FAQs.doc)
  
- WI Managed Forest Law program
  - Some links:
  - <http://dnr.wi.gov/forestry/ftax/MFL.htm>
  - or
  - <http://dnr.wi.gov/forestry/feeds/faqsFull.asp?s1=ForestTax&s2=MFL&inc=ftax>
  
- WI Public Trust Doctrine as it applies to public property rights
  - Some links:
  - <http://www.legis.state.wi.us/lrb/pubs/consthi/04consthilV4.htm>
  - or [http://dnr.wi.gov/org/water/wm/dsfm/shore/documents/G3698\\_3.pdf](http://dnr.wi.gov/org/water/wm/dsfm/shore/documents/G3698_3.pdf)
  
- Cluster Development concepts contained in the Southeastern Wisconsin Regional Planning Commission's "Rural Cluster Development Guide"
  - [http://www.sewrpc.org/SearchResults.htm?Search\\_Keywords=rural%20cluster%20development%20guide](http://www.sewrpc.org/SearchResults.htm?Search_Keywords=rural%20cluster%20development%20guide)