

**POLK COUNTY BOARD OF ADJUSTMENT  
NOTICE OF HEARING AND MEETING  
Tuesday, September 22, 2009, 8:30am  
Polk County Government Center  
100 Polk County Plaza; Balsam Lake, WI 54810**

Notice is hereby given to the press and public that a meeting of the Polk County Board of Adjustment will be held at the above listed date, time, and location to transact business indicated on the agenda below. A quorum of the Board of Adjustment will be present. (Agenda not necessarily presented in this order)

**AGENDA**

Call to order and roll call

Approve Agenda

Recess at 8:45am to view sites

Reconvene at 12:00pm

Approve minutes from August 25<sup>th</sup>, 2009 meeting

Public Hearings:

The Board may go into closed session under Wisconsin State Statutes, s.19.85(1)(a)(g), deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body and may reconvene in open session to consider or act upon any matter identified on this notice, including those matters noticed for consideration or action in closed session.

- DENNIS PATRICK requests a variance from Article 11B1 & 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a new dwelling on a substandard lot and closer than 10' from both side property lines. Property affected is: 1978 Baker Rd, S ½ of Lot 30, Plat of Maplewood, Sec 27/T35N/R16W, town of Georgetown, Blake Lake (class 1).
  - Findings of Facts
  - Deliberation & Decision
- JEFF KLEINER requests a variance to Article 11C, Table 1 & 11F2(c)(1) of the Polk County Shoreland Protection Zoning Ordinance to keep an addition off to the side and deck/porch on lakeside of dwelling which is closer than 100' of the ordinary high water mark. Property affected is: 186 240th Av, NW ¼, NW ¼, Vol 549/Pg 926, Sec 2/T35N/R15W, town of Johnstown, Martel Lake (class 3).
  - Findings of Facts
  - Deliberation & Decision
- DEAN KULLHEM requests a variance from Article 11E4 of the Polk County Shoreland Protection Zoning Ordinance to build a garage closer than 35' from centerline of a private road. Property affected is: 1056 Lutefisk Pt, Lot 1, Lutefisk Pt, Sec 9/T33N/R16W, town of Lincoln, Apple River Flowage (class 1).
  - Findings of Facts
  - Deliberation & Decision
- PATRICK & CHRISTINE DONOVAN request a variance to Article 11C, Table 1 & 11F2(a)(2)+(1) of the Polk County Shoreland Protection Zoning Ordinance to build an addition to side of existing cabin which will exceed the 750 sq ft footprint and be closer than 75' from the ordinary high water mark. Property affected is: 1765 Birchwood Terrace, Lot 16+17, Birchwood Terrace, Sec 30/T34N/R17W, town of Balsam lake, Deer Lake (class 1).
  - Findings of Facts
  - Deliberation & Decision

Board of Adjustment Public Hearing Requirements

Adjourn

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

Polk County Board of Adjustment Minutes  
Government Center; Balsam Lake, WI 54810

Date: September 22<sup>nd</sup>, 2009

Present: Gene Sollman, Chair; Curtis Schmidt, Vice-Chair; Jeff Peterson, Secretary; Art Gillitzer; Marilynn Nehring

Also Present: Roxann Moltzer, Assistant Zoning Administrator (for site visits); Gary Spanel, Zoning Administrator (briefly, to answer questions); Lori Bodenner, Zoning Secretary; and others sworn in.

Chair Sollman called the meeting to order at 8:30 a.m. and declared that a quorum was present. Sollman distributed "BOA Checklist for Meetings" and "BOA Public Hearing Meeting Minutes Notes" forms for the committee's review.

**Motion (Nehring/Schmidt)** to approve agenda as presented – motion carried. **Motion (Peterson/Gillitzer)** to approve minutes from August 25<sup>th</sup>, 2009 – motion carried. The board recessed at 8:45 a.m. to view sites and reconvened at 12:00 noon. The following applications were considered:

- DENNIS PATRICK requests a variance from Article 11B1 and 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a new dwelling on a substandard lot and closer than 10' from both side property lines. Property affected is: 1978 Baker Rd., S ½ of Lot 30, Plat of Maplewood, Sec 27/T35N/R16W, Town of Georgetown, Big Blake Lake (Class 1).
  - Site visit: 9:07 a.m.
  - Testimony / those sworn in: Dennis Patrick, Brian Riley
  - Committee's questions / discussion
  - Chair Sollman reads into the record two letters of support from adjoining property owners
  - **Motion (Peterson/Nehring)** to grant on condition: 1) new dwelling to be no closer than 75' to OHWM; 2) new dwelling not to exceed 26' in width; 3) new dwelling to be centered between side property lines; 4) applicant to secure and implement Land & Water Resources-approved shoreland restoration plan. Motion carried on voice vote with Schmidt voting "nay".
- JEFF KLEINER requests a variance to Article 11C, Table 1 and 11F2(c)(1) of the Polk County Shoreland Protection Zoning Ordinance to keep an addition off to the side and deck/porch on lakeside of dwelling which is closer than 100' to the ordinary high water mark. Property affected is: 186 240<sup>th</sup> Ave., NW ¼, NW ¼, Vol 549/Pg 926, Sec 2/T35N/R15W, Town of Johnstown, Martel Lake (Class 3).
  - Site visit: 9:44 a.m.
  - Testimony / those sworn in: Jeff Kleiner, Susan Pulcifer
  - Committee's questions / discussion
  - **Motion (Schmidt/Sollman)** to grant variance on condition that applicant: 1) make proper land use application for additions already made; 2) be assessed \$500 penalty for after-the-fact variance.
  - **Motion (Gillitzer/Nehring)** to amend by adding condition: 3) applicant to provide Land Information Department with evidence of annual septic system inspection and upgrades as necessary. Carried on unanimous voice vote.
  - Main motion carried on unanimous voice vote.
- DEAN KULLHEM requests a variance from Article 11E4 of the Polk County Shoreland Protection Zoning Ordinance to build a garage closer than 35' from centerline of a private road. Property affected is: 1056 Lutefisk Pt., Lot 1, Lutefisk Pt., Sec 9/T33N/R16W, Town of Lincoln, Apple River Flowage (Class 1).
  - Site visit: 10:24 a.m.
  - Testimony / those sworn in: Dean Kullhem, Rodney Skogen
  - Committee's questions / discussion

- Chair Sollman proposed postponement to next scheduled meeting to research ownership of private road. Approved by consensus.
  
- PATRICK AND CHRISTINE DONOVAN request a variance to Article 11C, Table 1 and 11F2(a)(2)+(1) of the Polk County Shoreland Protection Zoning Ordinance to build an addition to side of existing cabin which will exceed the 750 sq. ft. footprint and be closer than 75' to the ordinary high water mark. Property affected is: 1765 Birchwood Terrace, Lot 16+17, Birchwood Terrace, Sec 30/T34N/R17W, Town of Balsam Lake, Deer Lake (Class 1).
  - Site visit: 10:54 a.m.
  - Testimony / those sworn in: Christine Donovan, Matt Hinton
  - Committee's questions / discussion
  - **Motion (Gillitzer/Schmidt)** to deny. Motion carried on unanimous voice vote.
  
- DEAN KULLHEM (cont'd)
  - Zoning Administrator Gary Spanel provided the committee with additional information on ownership of the private road.
  - Upon consensus of the committee, Chair Sollman reopened the public hearing. Additional testimony was heard and discussion ensued.
  - **Motion (Nehring/Gillitzer)** to approve variance with condition: 1) that existing shed be removed from property when new garage is finished and not be replaced. Carried by unanimous voice vote.

Chair Sollman led a brief discussion of public hearing requirements.

**Motion (Gillitzer/Nehring)** to adjourn – Meeting adjourned at 2:40 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary