

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

Hearing Date: October 17, 2007

Present: Jim Beistle, Chairman; Gene Sollman, Vice-Chairman; Curtis Schmidt, Secretary; Jim Ganley & Art Gillitzer

Also Present: Roxann Moltzer, Assistant Zoning Administrator – present for site visits and for part of Heartman’s application; Lori Bodenner, secretary.

Chairman Beistle called the meeting to order at approximately 8:30am. Proper notice was made of the meeting. The Board recessed at approximately 8:45am to view the sites and reconvened at 11:07am. Chairmen Beistle dispensed with approval of September 26, 2007 minutes until next meeting of October 31, 2007. Testimony started at 11:18am for the following applications:

STEPHEN BERESTKA requests a variance from Article 11F2(a)(2)+(1) and 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a porch on the lake side which will exceed a 750 sq ft footprint and is closer than 75’ from the ordinary high water mark. Property affected is: 1344 Hungerford Pt, Pt of Lot 10, Baker’s Hungerford Point, Sec 25/T34N/R18W, town of St Croix Falls, Deer Lake.		
Site visit: 9:10am	Testimony: 11:18am – 11:43am Hearing closed: 11:47am	Sworn in: Mr. & Mrs. Stephen Berestka; Bob Olson
<p>Motion (Gillitzer/Sollman) to deny application – motion carried with the following vote:</p> <p>Aye: Jim Beistle, Chairman -- Applicant failed to demonstrate hardship and “unreasonably burdensome” as explained in Ziervogel [Supreme Court case].</p> <p>Aye: Gene Sollman, Vice-Chairman – Doesn’t meet hardship.</p> <p>Aye: Curtis Schmidt, Secretary – No hardship.</p> <p>Aye: Jim Ganley – No hardship.</p> <p>Aye: Art Gillitzer – No hardship.</p>		

KAROLE HEARTMAN requests a variance from Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to replace stairs and to build a new deck which will be closer than 75’ from the ordinary high water mark. Property affected is: 2171 E Pipe Lake Ln, Lot 18 & S ½ Lot 17, Pipe Lake East Shore Acres, Sec 15/T35N/R15W, town of Johnstown, Pipe Lake		
Site visit: 10am	Testimony: 11:50am – 12:17pm Hearing Closed: Approximately 12:25pm	Sworn in: Karole Heartman; Frank Gust
<p>Motion (Sollman/Schmidt) to deny application. Sollman withdrew motion.</p> <p>Motion (Gillitzer/Ganley) to grant on condition: Cement slab to be removed; second set of stairs to be removed; ground to be left under new deck; shoreline restoration to be done -- obtain plan approval through Land & Water Resource Department – motion carried with the following vote:</p> <p>Aye: Jim Beistle, Chairman – Safety requires replacement/repair of deck; conditions imposed meet intent of ordinance.</p> <p>Aye: Gene Sollman, Vice-Chairman – Concur with Beistle.</p> <p>Aye: Curtis Schmidt – Concur with Beistle.</p> <p>Aye: Jim Ganley</p> <p>Aye: Art Gillitzer -- Concur with Beistle.</p>		

Motion (Ganley/Sollman) to adjourn – Motion carried. Meeting adjourned at 12:25pm.