

**POLK COUNTY BOARD OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING AND MEETING**

**Tuesday, September 28 2010, 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

Approve minutes from 9/14/2010

Recess at 8:45am to view sites

Reconvene at 11:00am

- PATRICK & CHRISTINE DONOVAN request a variance from Article 11F2(a)(1)+(2) of the Polk County Shoreland Protection Zoning Ordinance to build an addition onto existing dwelling which will exceed the 750 sq ft footprint and go off to the side. Property affected is: 1765 Birchwood Terrace, Lot 5, CSM #5796, Vol 26/Pg 62, located in Lots 16+17, Birchwood Terrace, Sec 30/T34N/R17W, town of Balsam Lake, Deer Lake (class 1).
  - Findings of Fact
  - Conclusions of Law
- DENNIS DROBINSKI requests a variance from Article 11F2(a)(1) of the Polk County Shoreland Protection Zoning Ordinance to build an addition which will exceed 750 sq ft footprint. Property affected is: 1266-B Leeland Ln, Lee's Subd, V335/578, CSM #1281, Vol 6/Pg 97, Sec 1/T34N/R17W, town of Balsam Lake, Balsam Lake (class 1).
  - Findings of Fact
  - Conclusions of Law
- ROBIN DE CLER requests a variance from Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to keep a deck and expand the deck closer than 100' from the ordinary high water mark. Property affected is: 991 Vincent Lake Ln, Pt of NW ¼, NW ¼, Sec 9/T35N/R16W, town of Georgetown, Vincent Lake (class 3).
  - Findings of Fact
  - Conclusions of Law
- TERRENCE E LEIS requests a variance from Article 11E4 of the Polk County Shoreland Protection Zoning Ordinance to build a garage closer than 35' from centerline of private road. Property affected is: 1828 120<sup>th</sup> St, Pt of Gov't Lot 3, Sec 31/T35N/R16W, town of Georgetown, Balsam Lake (class 1).
  - Findings of Fact
  - Conclusions of Law
- AGUSTIN/RENE BENITEZ request a Special Exception from Section VIB6 of the Polk County Comprehensive Land Use Ordinance to establish a slaughterhouse. Property affected is: 728 143rd Av, Pt of NW ¼, SE ¼, Sec 23/T34N/R16W, town of Apple River. (This application was set aside from 9/14/2010 hearing, as more info was needed)
  - Findings of Fact
  - Conclusions of Law

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 28, 2010

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

Also Present: Roxann Moltzer, Lori Bodenner, members of the public

Chair Sollman called the meeting to order at 8:30 a.m. with a quorum present.

**Motion (Peterson/Schmidt)** to approve the agenda. Carried.

**Motion (Nehring/Schmidt)** to approve minutes of September 14 meeting. Carried.

The board recessed at 8:45 a.m. for site visits and reconvened at 11:09 a.m.

The following applications were considered:

- PATRICK & CHRISTINE DONOVAN request a variance from Article 11F2(a)(1)+(2) of the Polk County Shoreland Protection Zoning Ordinance to build an addition onto existing dwelling which will exceed the 750 sq ft footprint and go off to the side. Property affected is: 1765 Birchwood Terrace, Lot 5, CSM #5796, Vol 26/Pg 62, located in Lots 16+17, Birchwood Terrace, Sec 30/T34N/R17W, town of Balsam Lake, Deer Lake (class 1).
  - Exhibits read into record
  - Testimony / those sworn in: Christine Donovan, Matt Hinton, Herb Baldwin
  - Findings of fact
  - Conclusions of law
  - **Motion (Gillitzer/Schmidt)** to deny. Motion carried on 3-2 voice vote: Gillitzer-aye, Schmidt-aye, Nehring-aye, Peterson-nay, Sollman-nay.
  
- DENNIS DROBINSKI requests a variance from Article 11F2(a)(1) of the Polk County Shoreland Protection Zoning Ordinance to build an addition which will exceed 750 sq ft footprint. Property affected is: 1266-B Leeland Ln, Lee's Subd, V335/578, CSM #1281, Vol 6/Pg 97, Sec 1/T34N/R17W, town of Balsam Lake, Balsam Lake (class 1).
  - Testimony / those sworn in: Chris Nelson, Dennis Drobinski
  - Findings of fact
  - Conclusions of law
  - **Motion (Nehring/Gillitzer)** to grant with conditions:
    - Existing outhouse to be removed.
    - Two existing concrete slabs to be removed.
    - Applicant to implement Land & Water Dept.-approved shoreland restoration plan.
    - Gutters to be installed on all eaves to direct water away from lake.
    - Existing kitchen facilities to be hooked into new sanitary system.
  - Motion carried on a unanimous voice vote.
  
- ROBIN DE CLER requests a variance from Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to keep a deck and expand the deck closer than 100' from the ordinary high water mark. Property affected is: 991 Vincent Lake Ln, Pt of NW ¼, NW ¼, Sec 9/T35N/R16W, town of Georgetown, Vincent Lake (class 3).

- Exhibits read into record.
  - Testimony / those sworn in: Robin DeCler
  - Findings of fact
  - Conclusions of law
  - **Motion (Peterson/Nehring)** to grant in part allowing applicant to keep but not expand existing deck and be subject to \$500 penalty for after-the-fact variance. Carried on a unanimous voice vote.
- TERRENCE E LEIS requests a variance from Article 11E4 of the Polk County Shoreland Protection Zoning Ordinance to build a garage closer than 35' from centerline of private road. Property affected is: 1828 120<sup>th</sup> St, Pt of Gov't Lot 3, Sec 31/T35N/R16W, town of Georgetown, Balsam Lake (class 1).
    - Exhibits read into record.
    - Testimony / those sworn in: Terrence Leis
    - Findings of fact
    - Conclusions of law
    - **Motion (Gillitzer/Nehring)** to grant with conditions:
      - Maximum size of new garage to be 24' wide by 26' deep.
      - Runoff from garage to be directed to Land & Water Dept.-approved rain garden(s).
      - New garage to have minimum setback of 31' from private road.
    - Motion carried on unanimous voice vote.
- AGUSTIN/RENE BENITEZ request a Special Exception from Section VIB6 of the Polk County Comprehensive Land Use Ordinance to establish a slaughterhouse. Property affected is: 728 143<sup>rd</sup> Av, Pt of NW ¼, SE ¼, Sec 23/T34N/R16W, town of Apple River. (Continued from 9-14-10.)
    - Exhibit read into record.
    - Testimony / those sworn in: Rene & Shay Benitez, Fritz Coulter, Allan LaFond
    - Additional exhibits entered into the record.
    - Findings of fact.
    - Conclusions of law.
    - **Motion (Gillitzer/Nehring)** to grant with conditions:
      - Applicant to obtain all required town, county, and state permits and licensing.
      - Permit to be revoked upon uncorrected violation of any applicable town, county, or state law.
      - All waste to be handled in a safe and healthful manner.
    - Motion carried on 4-0 voice vote with Schmidt abstaining.

**Motion (Gillitzer/Schmidt)** to adjourn. Carried. Meeting adjourned at 4:25 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary