

Members present: *Guy Williams, Scott Divine, Zachary Johnston, Robert Peterson, Judy Swenson, Darryl Ince.

Others present: Chris Yates, Peter Jordan, Katherine Jordan, Chris Nelson, Jenna Lobanoff, Sean Stanek, James Duncan Jr. Jamey Flaherty, Ben Campbell.

Meeting called to order by Chairman Guy Williams.

To consider and possibly act to approve **Variance Application #156: Chris & Lisa Yates, 109 Indianhead Point Road, Balsam Lake:** Request for a variance to the setback, 300-07, Waterfront Development, G. Height, Area and Setback. The request for a variance is to construct a garage. James Duncan Jr. was in attendance. Mr. Duncan stated the Zoning Board should consider what the impacts could be if the requested garage is built on the property line. The water and sewer lines are located in the road on the Yates side of the blacktop. It was noted the village does own a 25-foot utility easement that abuts the Yates property. Darryl Ince was in attendance. Mr. Ince stated his concerns regarding the elevation of the Yates property in relationship to the ditch. Questions were asked to Mr. Yates as to how he would maintain the ditch if the garage was built on the property line. No answer was given. Mr. Ince also asked the applicant what their unnecessary hardship was as they could construct the garage within the zoning setbacks. Mr. Yates stated there is no basement on the home and he would like to expand the home within the next 6-7 years. By building the garage on the property line it would give him room to expand his home. Darryl Ince stated expanding a home does not qualify as an unnecessary hardship. A future home expansion may or may not be approved, the Zoning Board can only review the garage request. Darryl Ince also asked Mr. Yates what the physical property limitations are. Mr. Yates stated the lot narrows on the western side. Darryl Ince stated water mitigation on the east side of the property is very important as the water from Indianhead Point Drive runs down the ditch on the east side of the Yates property and into the Mill Pond on the southern side of the Yates property. Question regarding were asked to Mr. Yates if the size of the garage could be reduced. Mr. Yates stated he is unwilling to make the garage smaller and would need to keep the garage at the proposed size. It was stated that the Village owns a 60-to-66-foot road right of way, if the garage is built on the property line, the Zoning Board would essentially be giving them Village Property. Darryl Ince stated it is his opinion the garage should not go on the property line as the garage could be damaged by the snow plow or would limit the available work space to make repairs to the roadway, sewer lines and other water utilities down the street. The Zoning Board asked Mr. Yates if the garage would still work if the board approved a 10-foot or a 15-foot setback. Mr. Yates said he would like the garage built on the property line. **Motion by Zach Johnston to approve Variance Application # 156, allowing Chris & Lisa Yates to construct a garage 15 feet from the eaves and overhang off of the easterly property line. Second by Judy Swenson. Roll Call: Zach Johnston, yes; Judy Swenson, yes; Scott Divine, yes; Darryl Ince, yes; Guy Williamson, yes. Carried.**

To consider and possibly act to approve. **Variance Application #157: Peter Jordan, Parcel 106-00423-0006, Idlewild Street, Balsam Lake:** Request for a variance to 300-13 Conservancy. The request for a variance is to construct an accessory building. Peter & Katherine Jordan were in attendance as well as their contractor Chris Nelson. Mr. Jordan presented written statements to the Zoning Board from the neighboring property owners illustrating the neighbors are in favor of the Jordan family constructing an accessory building on parcel 106-00423-0006. Mr. Jordan stated the accessory building is a must have for the family at this time. Building an accessory building on their home place at 803 Idlewild Street would not be favorable. Darryl

Ince stated in the original plat of Idlewild Street, outlots were created. The intent of the outlots on the plat were not for habitable purposes. It states in bold no structures area allowed. Chris Nelson expressed concerns regarding the application process and the application he completed for Peter Jordan. Its Mr. Nelson's opinion the Village should not have accepted the application and he should have completed a Planning Commission Application. Mr. Nelson stated the Jordan family should not have to pay for this meeting. Darryl Ince stated the applicant would have to take that issue up with the Village Board. Mr. Nelson read part of the conditional use application ordinance and stated farm type structures can be granted as a conditional use. The original Zoning Variance Application Mr. Nelson completed on behalf of Peter Jordan notates a request to the setback to construct an accessory building. The requested variance is to build an accessory building on a lot that is zoned Conservancy. They are also requesting a reduced setback from the OHWM to 35'. The Conservancy District does not have setbacks listed as structures are not permitted use. Therefore, its unknown if the 20' setback from the road meets that requirement. The Waterfront Development Ordinance Section 300-7 H. (1) states that in no case shall a structure be allowed that is closer than 40' from the OHWM. Mr. Nelson requested the Zoning Board table the application until they complete the appropriate paperwork for a zoning change or CUP application. **Motion by Darryl Ince to table Variance Application #157 for up to 6 months, at which point if the applicant requested a zoning change from the Village Board, Completes CUP applications or other processes required per legal counsel, the applicant would then have to reapply for a variance. Second by Scott Divine. All in Favor. Carried.**

To consider and possibly act to approve **Variance Application #158: Mark & Jenna Lobanoff, 136 Pine Crest Road, Balsam Lake:** Request for a variance to the setback, 300-07, Waterfront Development, G. Height, Area and Setback & I. Boathouse. Mark & Jenna Lobanoff have requested a variance to exceed the 10' height limit for a boathouse. The boathouse currently is non-conforming at 17' height. They wish to install a pitched roof, as the current flat roof is leaking. They are asking to install a 10/12 pitched roof. They will add another 5' of height to the boathouse, making it more than double the allowed height limit. Sean Stanek was in attendance as the contractor for the proposed project. Jenna Lobanoff was also in attendance. Jenna Lobanoff purchased the home in 2008. Currently the boathouse roof leaks. Discussion regarding the difference between how the roof was supported as a flat structure or a pitched structure was discussed. Robert Peterson noted he spoke with the Polk County Zoning Office and the WI DNR and they both stated the application would not be approved as boathouses are to have flat roofs. **Motion by Scott Divine to approve Variance Application #158 with the condition they can remove the existing flat roof and replace it with a new flat roof however they are not approved to construct a pitched roof on the boathouse. Second by Zach Johnston. Roll Call: Zach Johnston, yes; Judy Swenson, yes; Scott Divine, yes; Darryl Ince, yes; Bob Peterson, yes. Carried.**

Motion by Darryl Ince to adjourn. Second by Judy Swenson. All in Favor. Carried.

Amy VanDeBrake, Village Clerk-Treasurer