

**A. The meeting was called to order** by Chairman Patrick Fehring at 6:30PM, on site at 3897 Cedar Creek Road, Slinger, Washington County, Wisconsin.

**B. Official Meeting Notification.** Notice of the June 4, 2015 Town of Polk Zoning Board of Appeals was posted on the Town website and at the Cedar Lake Hills, Roskopf RV Center, and Polk Town Hall bulletin boards. Notice was copied to Hartford Times Press, Milwaukee Journal, West Bend News, WBKV, WTKM. Parties of Interest were notified.

**C. Roll Call.** Members present: Chairman Patrick Fehring, Rodney Bartlow, Mary Franz, Marilyn Mayer, Karen Reiter, alternate Robert Anderson, Zoning Secretary Tracy Groth and Building Inspector John Frey.

**D. Approval of Agenda:** Mary Franz moved to approve the agenda. Rodney Bartlow seconded the motion. All voted in favor and the motion carried.

**E. Approval of the Minutes – November 20, 2014.** A minor spelling error was noted. Karen Reiter moved to accept the Minutes. Marilyn Mayer seconded the motion. All voted in favor and the motion carried.

**I. Public Hearing: Richard and Joanne Grigg, Property Owners 3897 Cedar Creek Road, Slinger, Wisconsin.** The appeal is to consider a variance to Section 3.03(3) of the Zoning Ordinance, Title X of the Municipal Code of the Town of Polk to allow a variance of seventy eight feet and one inch (78'-1") to the minimum front yard setback of one hundred fifty feet (150') from the centerline of the road; and five feet and eleven inches (5'-11") to the minimum side yard setback of thirty feet (30') on an Existing A-1 General Agricultural Lot to construct a detached four (4) car garage. Property is described as: Tax Key T9-0427-00C. Lot three (3) of Certified Survey Map No. 5639 as recorded in the Washington County Registry in Volume 41 P15 as Document No. 1010184, all in part of the SW ¼ and SE ¼ of Section 10, and part of the NW ¼ of the NE ¼ of Section 15, Town 10 North, Range 19 East, Town of Polk, Washington County, Wisconsin.

Chairman Fehring invited the representative for the applicant, architect Josh Wadzinski, to present to the Board. Wadzinski explained the design of the structure. The garage or carriage house, would house four vehicles. The homeowner collects and restores vintage cars. The initial consideration for the location the garage was to the east side of the lot. After talking with the builder, Robert Bailes, we determined that the west end of the lot made more sense. Building at both the west and the east sides of the property [in the street yard] would have required a variance. This is a unique property where there is a creek and dramatic drop off at the rear yard. The rear and east side of the property are also in the Town's Upland Conservancy Overlay District. The few flat areas are used for septic field and the soil cannot be disturbed within 15 feet of the septic area.

Building the garage at the west side of the property made the most sense and would be a less aggressive approach. The garage could be built into the existing berm; there would be minimal paving necessary; the conservancy area would not be disturbed. From an aesthetic point of view, the building would be less visible by the surrounding community [the back of the building will be built into the berm]and have better drive by appeal entering the property.

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The soils to the area at the west side of the lot were moved with the construction of the home. The berms and landscaping were created with the building of the home. Wadzinski reviewed the conceptual plans with the Board. Mary Franz asked if the apron to the garage will meet the current driveway. Wadzinski answered that they will fill in an apron up to the garage. The materials for the garage will match the house including full stone veneer, full brick veneer with the same architectural detailing as the house; same windows, doors, and roofing just was with the house; and copper gutters and flashings. Total square footage of the garage will be about 1500 square feet which is within the allowed square footage for the lot size of 5.08 acres. Wadzinski discussed the removal of the trees at the west side of the parcel. The trees, mostly pines, were planted when the home was built. The property is very private and the approach would only reveal a very small portion of the proposed garage.

MF asked about the building height. Josh did not have that figure with him, but Zoning Secretary Groth confirmed that through phone conversations with Wadzinski, it was determined that the height would be within the zoning ordinance requirements. Wadzinski described additional details: water would drain toward the creek; the upper portion of the garage will be a storage attic. Bailes commented they will use attic trusses, not bonus room trusses. "This is a true storage situation."

Rodney Bartlow referred to requirement for the building to be no closer than 15 feet from the septic . The proposed location of the building is more than 15 feet from the septic. "Could the building be pulled closer to the septic, therefore placing it further from the road?" Wadzinski commented, "If we move the building back you make the side yard setback worse. If we move the building closer to the road, you make the street yard setback worse. The best location, what seemed most appropriate, is the location we have proposed. The view as you drive up to the house and view from inside the house are more pleasant."

Mary Franz asked Building Inspector John Frey if he had any concerns. Frey stated that he had none whatsoever and further commented, "The topography is unique. Given the constraints that they have to work within and that the design incorporates earth shelter, I think it's perfect." Mary Franz complimented the Wadzinski on the attention to detail given to his presentation.

Public Comment closed at 6:49 PM. The Zoning Board went to their findings:

Preservation of Intent:

*The Board found that the request to build the accessory structure is consistent with the purpose and intent of the Zoning Ordinance.*

Exceptional Circumstances:

*The exceptional circumstance is with the lot. There is minimal flat area, dramatic drop offs, and the parcel is in the conservation area.*

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Economic Hardship and Self-Imposed Hardship Not Grounds for Variance:

*The Board found that the hardship with the lot and its extreme topography and the shape of lot.*

Preservation of Property Rights:

*The property owner has the right to build an accessory building in the zoning district and requires a variance to preserve that property right.*

Absence of Detriment:

*The Board found no detriment to adjacent property nor would the variance be contrary to the purpose and intent of the Zoning Ordinance.*

Mary Franz moved to approve the variance as requested. Marilyn Mayer seconded the motion. All voted in favor and the motion carried.

**II. Adjourn.** Rodney Bartlow moved to adjourn the meeting. Karen Reiter seconded the motion. All voted in favor and the motion carried. The meeting adjourned at 6:53PM.

Respectfully submitted,

Tracy L. Groth  
Zoning Secretary