



BOARD OF ADJUSTMENT MEETING AGENDA

Monday August 24th, 2026 – 9:00 a.m.

Barron County Government Center | Room 2106

335 E. Monroe Avenue - Barron, Wisconsin

1. Call to Order and Roll Call
2. Acknowledgement of Public Posting Requirements
3. Approval of Agenda
4. Approval of Minutes
5. Public Comment
6. Hearings of applications and appeals to the Board of Adjustment:

9:00 a.m. Appeal #3981 : Nelnordic Trust property owner, remanded hearing from Circuit Court for the purpose of reviewing the request for a variance to allow a retaining wall constructed within the 75' setback to the OHWM of Beaver Dam Lake, in a Residential-1 district.

Property address: 547 24 ½ Avenue, Cumberland, Wisconsin

7. Report from Land Services Director
8. Adjournment

PLEASE CALL 537-6375 IF YOU ARE NOT ABLE TO ATTEND THE MEETING

NOTE: Any person who has a qualifying disability under the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible format must contact the County Clerk's office at 715-537-6200 at least 24 hours prior to the meeting so that arrangements may be made to accommodate your request.

cc: Hardie, Moen, Nelson, North, Kelsey, Corporation Counsel, Deputy Corporation Counsel, County Clerk, County Administrator, Department of Natural Resources, Public posting



BOARD OF ADJUSTMENT MEETING MINUTES

Monday August 10, 2026 – 9:00 a.m.

Barron County Government Center | Room 2106

335 E. Monroe Avenue - Barron, Wisconsin

Present: Amy Kelsey, Dan North, Keith Hardie, Gary Nelson and Carol Moen.

Zoning Office staff: Ben Cole and Becky Melton

Chair Nelson called the Board of Adjustment to order at 9:00 a.m. and called roll. Melton confirmed that proper posting of the notice was done in accordance with the Wisconsin Open Meeting Law.

Motion: (Moen/Kelsey) to approve the agenda; carried. **Motion: (North/Hardie)** to approve the minutes of July 27, 2026 and August 4, 2026; carried.

Public Comment: None.

9:00 a.m. | Appeal #4023: Todd & Mona Maloney, property owners, request a special exception for the expansion of an existing campground and variances for a reduced setback of campsites to the property line, reduced campsite size and an accessory structure exceeding the allowable size in the Recreational Residential district.

Nelson opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. **Motion: (North/Kelsey)** to include Appeal 3416 & 1342; carried. Cole presented a staff report. Public testimony was received and there was no written correspondence. Town Consideration Form entered into testimony. After Board question and discussion, **Motion: (Hardie/Moen)** to close testimony; carried. **Motion: (Hardie/Moen)** to approve the variance and special exception as presented with the following conditions:

1. All licenses and permits are obtained prior to operation, and all testimony, oral and written, is part of the decision.
2. The accessory building size shall not exceed 30 feet by 60 feet and 22 feet in height and will meet all statutory setbacks.
3. Campsite setback shall not be less than 15 feet from property line and shall have a vegetative buffer.
4. 5 additional campsites with a minimum dimension of 40 feet by 50 feet were approved.
5. The campsites shall meet other state requirements.
6. All lighting is downward facing.

Motion carried 5-0

9:10 a.m. | Appeal #4021: Oak Grove Chetek, LLC, owner, Requests a special exception to expand an existing campground in a Recreational Residential district.

Nelson re-opened the hearing. (Kelsey was recused) Testimony was received from the applicant. No public testimony or correspondence was received. Board questions and discussion followed. **Motion: (North/Moen)** to close testimony; carried. **Motion: (North/Hardie)** to approve the request with the following conditions:

1. All licenses and permits are obtained prior to operation, and all testimony, oral and written is part of the decision.
2. The campground expansion shall not exceed 94 units or as determined by conforming to other state codes and regulations.
3. All lighting shall be downward facing.

(Any privilege granted by this decision must be performed within 60 months of the date of this decision unless an extended timeline is specifically approved by the Board.)

Motion carried 4-0 (Kelsey was recused)

Report from L.S. Director: N/A.

Next Board of Adjustment Meeting: August 24, 2026.

Motion: (Hardie/North) to adjourn the meeting at 11:27 a.m.; carried.

Respectfully submitted,
Becky Melton, Administrative Assistant

Minutes are not official until they are approved at the next BOA meeting.

NOTICE OF PUBLIC HEARING

STATE OF WISCONSIN SS

COUNTY OF BARRON

TO WHOM IT MAY CONCERN:

PUBLIC NOTICE is hereby given to all persons in the County of Barron, Wisconsin, that a public hearing will be held on Monday, August 24, 2026 at 9:00 a.m. in Room 2106 of the Barron County Government Center, 335 E. Monroe Ave., Barron, Wisconsin, relative to a proposal for a variance to the terms of the Barron County Land Use Ordinance as follows:

This is a remanded hearing from Circuit Court for the purpose of reviewing the request for a variance to allow a retaining wall constructed within the 75' setback to the OHWM of Beaver Dam Lake, in a Residential-1 district on property described as part of Govt. Lot 5 in Doc #862099, located in Section 36, T36N, R14W, town of Maple Plain, Barron County, Wisconsin.

The Board of Adjustment reserves the right to view the property and may convene in executive session prior to rendering a decision. Contact Zoning Office staff at 715-537-6375 with questions regarding this appeal.

Property owners: Nelnordic Trust
Property address: 547 24 ½ Avenue, Cumberland, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 5th day of August, 2026.

Barron County Board of Adjustment
Gary Nelson, Chairman

DECISION OF BARRON COUNTY ZONING BOARD OF ADJUSTMENT

File # G - 030-3600-12-000

Appeal # 3981

FINDINGS OF FACT – Having heard the testimony and considered the evidence presented, the Board determines the facts of this appeal to be:

1. The application was filed on February 12, 2025 and the hearing date was May 12, 2025.
2. The notice was properly posted in accordance with the Wisconsin Open Meeting Law and an affidavit of publication is on file.
3. The owner is: Nel Nordic Trust – 51 Tankersley Lane, Wetumpka, AL 36092.
4. The applicant is: Nel Nordic Trust – 51 Tankersley Lane, Wetumpka, AL 36092.
5. The applicant is not the owner of the following described property which is the subject of this appeal: part of Govt. Lot 5 in Doc #862099, located in Section 36, T36N, R14W, town of Maple Plain, Barron County, Wisconsin.
6. The property is currently used as a residence.
7. The property includes the following non-conforming structures: dwelling.
8. The property has been the subject of the following prior conditional use/variance: #3959.
9. The applicant's request is to allow a retaining wall constructed within the 75' setback to the OHWM of Beaver Dam Lake, in a Residential-1 district.
10. The applicant requests a variance under Section 17.73(7) of the Barron County Land Use Ordinance.

The features of the proposed construction and property that relate to the grant or denial of the appeal are:

1. Walls #2 and #3 were not critical for the stabilization of the existing slope.
2. It was determined that Wall #1 is necessary for the foundation of the porch.

Variance – The variance for Wall #1 does meet all three of the following tests:

- A. Unnecessary hardship is present since strict application of the terms of the Barron County Land Use Ordinance would unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome because it is necessary to support the porch foundation as constructed.
- B. The hardship is due to physical limitations of the property but rather than the circumstances of the applicant because of the unique characteristics of the lot which include steep slopes.
- C. The variance will not be contrary to the public interest and will observe the purpose of the Ordinance and do justice because the retaining wall approved for the porch.
- D. Walls #2 and #3 do not meet the unnecessary hardship or public interest criteria.

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and record in the matter, the Board orders:

The requested variance is **modified** subject to the following conditions:

1. All permits are obtained prior to removal of two (2) existing retaining walls shown as Walls 2 and 3 as presented, and all testimony, oral and written, is part of the decision.

The Zoning Administrator is directed to issue a zoning permit incorporating these conditions and certifying by the applicant's signature that he or she understands and accepts the conditions.

Expiration of Permit – Any privilege granted by this decision must be performed within 24 months of the date of the decision unless an extended timeline is specifically approved by the Board. Performance measures include, but are not limited to, obtaining necessary land use permits, completion of structures, and establishment of permitted activities. This period may be extended if the decision is stayed by court order or operation of law.

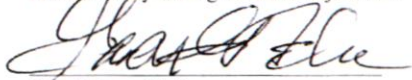
Revocation – This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals – This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of Barron County by filing an action in certiorari in the Circuit Court for Barron County within 30 days after the date of filing of this decision. Barron County assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to the expiration of this 30 day period. State Statute 59.694(10) given to owner/applicant at 9:33 a.m. on May 12, 2025.

Voting Member Present - ☒ K. Bartlett ☒ P. Fall ☒ D. North ☒ G. Nelson ☒ K. Hardie

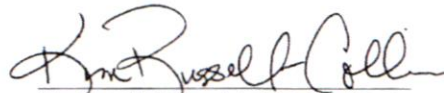
Dated at Barron, Wisconsin this 12th day of May, 2025 on a vote of 4-1 with North opposing.*

Barron County Zoning Board of Adjustment


Gary Nelson, Chair

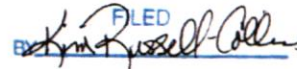
(The Board Chair signature verifies the action taken by the Committee.)

cc: Danielle Maxwell-Parker - clerk


Kim Russell-Collins, Administrative Secretary

BARRON COUNTY
BOARD OF ADJUSTMENT
DECISION

AUG 11 2025

FILED


*This hearing was reconvened on 8/11/25 and the decision was rendered on that date.

VARIANCE APPLICATION

Submit completed application and fee to the:

Barron County Zoning Office
335 E. Monroe Ave. #2104
Barron, WI 54812
715-537-6375

Note: Hearing date may be delayed until a site visit can be completed

Property Owner: Nelnordic Land Trust

Agent: Todd A. Smith

Address: 51 Tankersley Lane

Address: P.O. Box 535

City/State/ZIP: Wetumpka, AL 36092

City/State/ZIP: Rice Lake, WI 54868

Daytime Phone: _____

Email: _____

SITE INFORMATION

Parcel I.D. Number: 030 - 3600 - 12 - 000

Property Address: 547 24 1/2 Avenue, Cumberland, WI

AREA VARIANCE REQUEST IS FOR: (Check all applicable boxes below; multiple setbacks may be required)

Proposed Project: ☐ New ☐ Addition to (Existing structure w/in setback to: _____)

☐ Dwelling

☐ Accessory Structure

☐ Fence

☒ Retaining Wall

☐ Open structure (platform, free-standing deck, patio, etc.)

☐ Other _____

Setback to: ☐ Road

☐ Road right of way

☐ Centerline

☒ Ordinary highwater mark

☐ Easement

☐ Property line

Has the structure/addition in question already been placed/built on this property? If so, when? 2020

Was it built/placed while property was under current ownership? ☒ Yes ☐ No

Describe project: Allowing the existing slope stability/retaining walls located to the east and west
of the home to remain in place.

An area variance is authorization by the Barron County Board of Adjustment (BOA) to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction. The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the BOA to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Failure to appear at the hearing may result in the BOA moving forward with a decision based on the facts presented.

OFFICE USE

Appeal # 3181 Hearing Date: 5/12/25 Other appeals #3959

Name of Water Body: Beaver Dam Lake Zoning Dist.: R-1

Reviewed By: [Signature] Date 2/20/25

DATE RECEIVED:

RECEIVED

FEB 12 2025

BARRON COUNTY ZONING OFFICE

Variance Criteria

(1) Will there be unnecessary hardship to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restraints unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing there is no suitable location for a home or claiming that they need more outbuilding space than permitted to store personal belongings.) Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

Removal of the slope stability/retaining walls would compromise the foundation of the existing and permitted residence and structures.

See January 28, 2025 correspondence from Cooper Engineering.

(2) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

The subject lot is steeply sloped to the lake on the south and west to a substantial ravine.

See January 28, 2025 correspondence from Cooper Engineering.

(3) What would be the effect on this property, the community or neighborhood and the public interest if the variance was granted? How can these impacts be mitigated?

The purpose and intent statements of the ordinance outline public interest factors. If granted, the variance request cannot harm the interests of the neighborhood, County and State as a whole and cannot be contrary to the objectives of the ordinance as established in the intent and purpose statements. Support from neighbors is not to be construed as proof of no adverse impacts on public interest.

Granting of the variance would have a positive effect on this property, the community and the

public interests as it would reduce and lessen run-off and erosion from the property

to the lake.

Alternatives

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

No other alternatives. See January 28, 2025 correspondence from Cooper Engineering.

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

Plot Plan Instructions: Use the area provided on the following page, or a separate piece of paper, to show ALL of the following items:

1. The location and size of all *proposed and existing* buildings
2. The location of:
 - any lake, flowage, stream or river that either abuts or is near your property
 - and name of all roads
 - any Easements (road, utility or other)
 - any proposed or existing well(s)
 - Privately Owned Wastewater Treatment System (POWTS). A POWTS includes a septic tank, holding tank, mound system or drainfield
3. Show distances from buildings to:
 - lot lines
 - center of roads and/or edge of easements
 - ordinary highwater mark of any lake, river, stream or wetland if applicable

All measurements are from the furthest extension of the structure (eaves, overhangs, etc are part of the structure) to the nearest point of a setback.

When measuring setback distance on a sloping building site, the measurement must be done on a **HORIZONTAL (flat) MEASURING LINE**. The horizontal measuring line is created by holding the measuring tape level **AND NOT MEASURING ALONG THE SLOPE**. Depending on the amount of slope, several short measurements may have to be made.

For waterfront properties only, please note:

- Impervious Surfaces: For all proposed projects, an "Impervious Surface Worksheet" must be completed and attached to this application.
- Viewing/Access Corridor: For proposed dwelling projects on an undeveloped lot, a viewing/access corridor sketch must be submitted.
- Mitigation Plan: Where proposed construction will impact setbacks to the ordinary highwater mark, a mitigation plan may be a requirement of variance approval.

For detailed information regarding these requirements, please consult with Zoning Office staff.

Plot Plan (Attach additional page if needed, not to exceed 8 1/2" x 14")

N

The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Land Services staff and Board of Adjustment members to view the premises, in relation to the appeal request made herein. The undersigned has read and understand the procedures and requirements for applying for a variance, and further understands that the filing fee is non-refundable and the application may be returned if information is incomplete or illegible.

The undersigned also understands that they, or their agent, must appear at the public hearing.

Owner Signature

Date

Agent Signature

Date



January 28, 2025

Mr. Todd Smith, Atty
Smith and Smith
131 N. Main Street
Rice Lake, WI 54868

Re: Nelnordic Trust Property
547 24 1/2 Avenue, Cumberland, WI

Dear Mr. Smith:

We were asked to offer a professional opinion regarding the function of the existing rock landscaping/retaining walls on this property in terms of what engineering value they provide to the foundation of the house. We will refer to this construction as slope stability or retaining walls in the following letter, but it means the same thing.

The existing rock landscaping in the form of retaining walls is an integral part of the foundation performance, given how the foundation was constructed. The retaining walls are necessary for the stability of the soil adjacent to the structure by creating flat areas not subject to erosion.

Without the slope protection (retaining walls), the foundation as constructed would be compromised. This would occur because the steep slopes adjacent to the house have significant potential to erode without the retaining walls. This will cause undermining of footings or at a minimum reduction of the desired 4-foot frost projection (soil cover) which results in potential foundation movement.

Now that the house has been constructed, there is no practical alternative (without the retaining walls) given the slope of the lot.

A photolog is included that will aid this discussion. If there are any questions regarding our discussion, please contact us.

Sincerely,

A handwritten signature in blue ink that reads 'Steve Poethke'.

Steve Poethke, P.E.
Structural Engineer

Enclosed: Photos

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The rock landscaping (retainage) is necessary for the stability of the soils adjacent to the structure on this site which has significant slope toward the lake.



The rock landscaping was chosen for aesthetics, to create more natural looking landscaping vs concrete or modular block walls. The stepping of the rock landscaping is necessary, this type of retainage has a limited effective height. A single, taller wall would provide similar stability, but a different system such as concrete or modular block would be necessary due to the greater height. A different system would affect the continuity of the property's landscaping, would appear more intrusive and less natural.



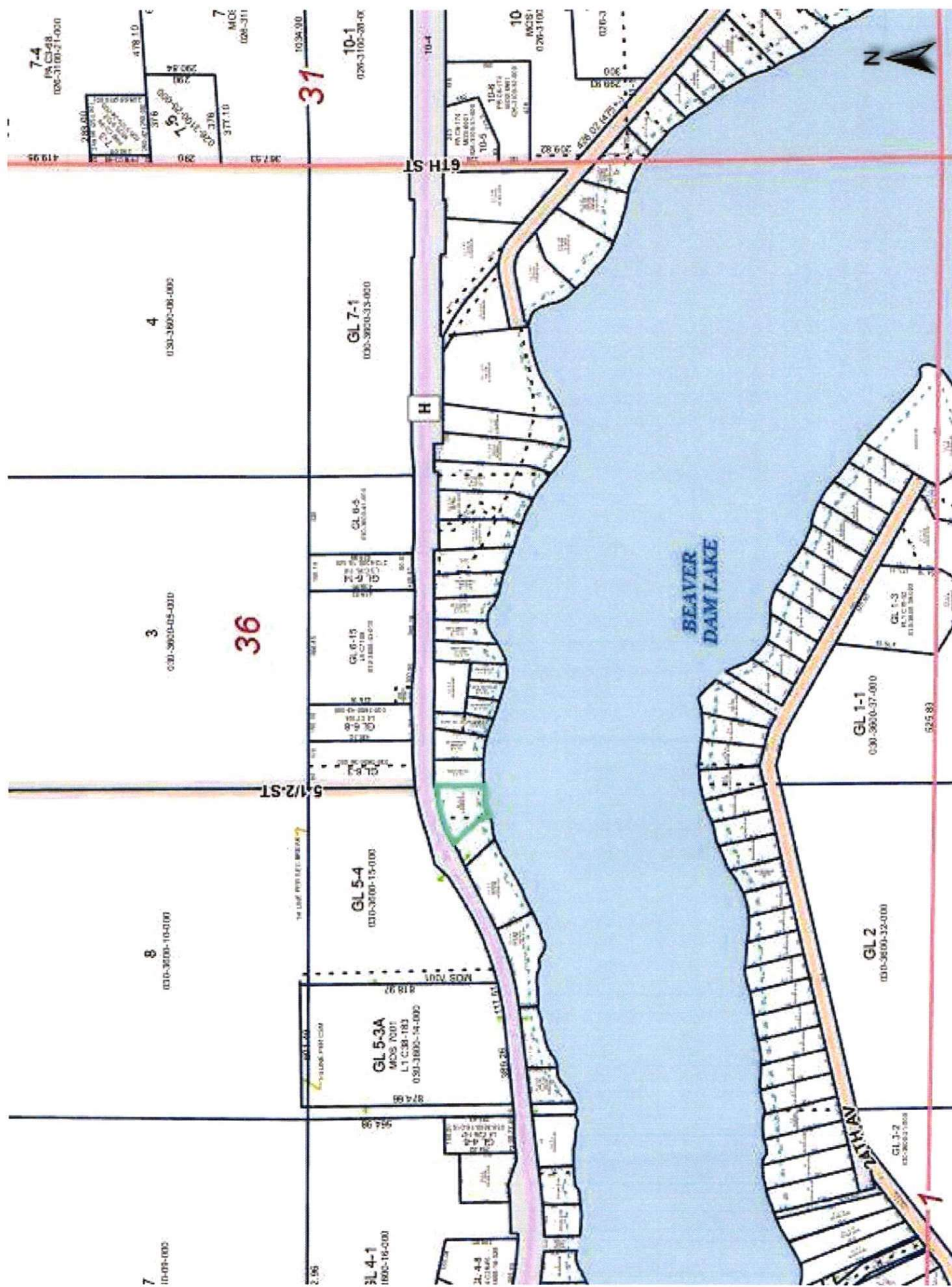
The slope of the adjacent ravine to the west is very steep and unstable. The west side rock landscaping protects the foundation from potential undermining from erosion and also protects the slope of the ravine from erosion and sluffing.



The structure is permitted at a reduced setback, the rock landscaping is no closer to the OHWM than the shoreland wall of the primary structure.



The County's site visit sketch shows the upper rock landscaping beside the covered porch on the east side within the 75' setback. This wall, along with the lower wall, work together to support the integrity of the porch foundation and adjacent soils. Replacing these two walls with a taller wall doesn't resolve the setback issue, but it will expose the site to additional construction, result in a much more significant wall that will be more intrusive to the natural look of the current landscaping, and increase the slope of the adjacent walkway or require the walkway to be relocated resulting in an increase in erosion potential.





ORDINANCES RELATING TO HEARING

Applicant/Owner: Nelnordic Trust
Previous Appeals: #3959

Appeal: 3981

Request: Requests a variance to allow a retaining wall constructed within the 75' setback to the OHWM of Beaver Dam Lake, in a Residential-1, located in the Town of Maple Plain.

Purpose Section 17.02: This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

Intent Section 17.03: It is the general intent of this chapter to regulate and restrict the use of structures, lands, shoreland and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreland cover; and implement the county's general plan or county plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Section 17.32 RESIDENTIAL- 1 The Residential Low Density district is created to establish and protect the essential characteristics of areas within which low density residential use should occur, along with certain community and recreational uses to serve the residents of the district.

Section 17.41 SHORELAND OVERLAY AREA

The shoreland regulations of the County are adopted for the purposes of promoting the public health, safety, convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, and to preserve shore cover and natural beauty. In addition to the use, dimensional rules and other standards provided for shorelands by the zoning district in which they are located, the following shall apply to all shorelands.

Ordinances relating to this Appeal:

17.32	Residential-1 District
17.41	Shoreland Overlay District
17.73(7)	Variances

VARIANCE and SPECIAL EXCEPTION

TOWN CONSIDERATION FORM

Instructions: This form must be completed and presented to the Town Board for their consideration of the proposed variance or special exception request. The completed form shall be submitted with the Barron County Board of Adjustment Application for Variance or Special Exception prior to scheduling your public hearing.

Section A - to be completed by the property owner and/or agent;

Type of Request: ☐ Variance ☐ Special Exception

Town of _____

Owner: _____

Applicant/Agent: _____

Property Address: _____ Property Tax ID #: _____ - _____ - _____

Explain Request: (must match explanation on application) _____

Section B - to be completed by the Township

The Town Board is: ☐ In Favor ☐ Neutral ☐ Opposed

EXPLANATION OF TOWN BOARD DECISION:

Per Zoning Committee action of May 3, 2017:
only variance requests to a Town road, road
right-of-way or other Town-owned property will
require a completed Town Consideration Form.
Barron County Zoning Office

Date: _____

Signed: _____ OR Signed: _____
(Town Chairman) (Town Clerk)

Print Name _____

Print Name _____

***Only the signature of the Chairman or the Clerk is required.**