

**POLK COUNTY BOARD OF ADJUSTMENT
NOTICE OF HEARING AND MEETING
Tuesday, August 4, 2009, 8:30am
Polk County Government Center
100 Polk County Plaza; Balsam Lake, WI 54810
(County Board Room)**

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
Election of Officers
Approve Agenda
Recess at 8:45am to view site(s)
Reconvene at 10:30am
Approve minutes from June 30, 2009 meeting
Public Hearing:

The Board may go into closed session under Wisconsin State Statutes, s.19.85(1)(a)(g), deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body and may reconvene in open session to consider or act upon any matter identified on this notice, including those matters noticed for consideration or action in closed session.

- JOSEPH & MARY BETH WALDO request a variance from Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a new dwelling which will be closer than 75' from the ordinary high water mark and closer than 25' from the rear lot line -- a continuation from 6/30/09 hearing. The Board may take additional testimony as it relates to location of property lines and placement of structures on the following property: 85-A South Horseshoe Lake Dr, Desc as Lot "H" of unrecorded South Shore Park, Pt of Gov't Lot 3, Sec 13/T34N/R15W, town of Beaver, Horseshoe Lake – class 1.

Findings of Facts
Deliberations and Decisions

Review of the following record:

- NANCY STOCKHAUS requests an Appeal of Administrative Decision for the conditional granting of a Special Exception Permit by the Land Information on June 3rd, 2009 to Article 11C, Table 1. Property affected is: 937 Vincent Lake Ln, Lot 25, Glenna Lake Vincent Plat #2, Sec 9/T35N/R16W, town of Georgetown, Vincent Lake (class 3).

Discussion and Determination -- Upon the completion of the review of the record and hearing the recording of the proceedings of the Land Information Committee in the above matter, the Board of Adjustment may determine that the record is complete and affirm, reverse, or modify the decision of the Committee. The Board may render its determination the day of the hearing or reserve it for a later date. If the Board determines the record to be incomplete it may schedule for a later date the taking of additional new evidence or schedule an entirely new hearing.

Board of Adjustment Public Hearing Requirements
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: August 4th, 2009

Present: Gene Sollman, Vice-Chair; Curtis Schmidt, Secretary; Jeff Peterson; Art Gillitzer (present at 8:38am); Marilynn Nehring

Also Present: Roxann Moltzer, Assistant Zoning Administrator – for site visits & part of Board of Adjustment requirements discussion; Steve Hanson; Gary Spanel, Zoning Administrator (for part of Stockhouse application & Board of Adjustment requirements discussion); Lori Bodenner, zoning secretary & others sworn in.

Vice-Chair Sollman called the meeting to order at 8:32am and announced his resignation as Vice-Chair.

- **Motion (Schmidt/Peterson)** to nominate Sollman as Chair.
Motion (Peterson/Schmidt) to close nominations for Chair – motion carried.
Motion carried by unanimous voice vote.

Schmidt announced his resignation as Secretary.

- **Motion (Peterson/Nehring)** to nominate Schmidt as Vice-Chair.
Nehring also nominated Peterson but he declined.
Motion (Nehring/Peterson) to close nominations for Vice-Chair – motion carried.
Motion carried by unanimous voice vote.
- **Motion (Nehring/Schmidt)** to nominate Peterson as Secretary.
Motion (Nehring/Schmidt) to close nominations for Secretary – motion carried.
Motion carried by unanimous voice vote.

Motion (Nehring/Schmidt) to approve agenda as presented – motion carried. It was mentioned that all notes need to be placed in applicant's file; also, members should identify themselves when speaking during recordings. The board recessed at 8:45am to view sites and reconvened at 10:35am. **Motion (Peterson/Schmidt)** to approve minutes from June 30th, 2009 – motion carried. The following was considered:

- JOSEPH & MARY BETH WALDO request a variance from Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a new dwelling which will be closer than 75' from the ordinary high water mark and closer than 25' from the rear lot line -- a continuation from 6/30/09 hearing. The Board may take additional testimony as it relates to location of property lines and placement of structures on the following property: 85-A South Horseshoe Lake Dr, Desc as Lot "H" of unrecorded South Shore Park, Pt of Gov't Lot 3, Sec 13/T34N/R15W, town of Beaver, Horseshoe Lake – class 1.
 - Site visit: 9:18am.
 - Testimony/those sworn in: Joseph Waldo, Steve Hanson
 - **Motion on table from 6/30/09 (Sollman/Peterson)** to grant on condition: That the east lot line represent the side lot line and the south lot line represent the back lot line – house with deck to be placed no closer than 74' at any point to the ordinary high water mark; shoreline restoration plan; gutters on house to divert water to not enter lake directly.
 - **Motion (Peterson/Gillitzer)** to take motion from table – carried.
 - **Motion (Peterson/Gillitzer)** to amend motion – omit "That the east lot line represent the side lot line and the south lot line represent the back lot line" – motion carried; discussion.
 - **Motion (Peterson/Nehring)** to amend motion a second time – change 74' to 72' -- motion carried; discussion.
 - Motion as amended denied with unanimous voice vote -- no hardship; plan does not meet setbacks; other options available to applicant.

Review of the following record commencing at 11am:

- NANCY STOCKHAUS requests an Appeal of Administrative Decision for the conditional granting of a Special Exception Permit by the Land Information on June 3rd, 2009 to Article 11C, Table 1. Property

affected is: 937 Vincent Lake Ln, Lot 25, Glenna Lake Vincent Plat #2, Sec 9/T35N/R16W, town of Georgetown, Vincent Lake (class 3).

- Spanel gave background information and recommended a new hearing be held; discussion.
- Spanel gave general information regarding transient accommodations – Article 8D1 & 8D1a of the Polk County Shoreland Protection Zoning Ordinance.
- Members commented that new hearing is not necessary; ordinance is clear.
- Recording from 6/3/2009 Land Information Committee hearing is listened to in its entirety.
- **Motion (Gillitzer/Nehring)** to affirm decision made by the Land Information Committee on 6/3/2009 – carried with unanimous voice vote.

Public hearing requirements – Chair Sollman presented list from 4/28/09 meeting -- items added; and requested it go to staff for review, then to Committee, then ending with a joint meeting with Committee.

Hanson offered question regarding allowance of a public comment portion. Chair Sollman advised that he will seek opinion from Corporation Counsel via staff.

Motion (Nehring/Gillitzer) to adjourn – Meeting adjourned at 1:35pm.

Respectfully Submitted,

Jeff Peterson, Secretary