

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

8:30am, Tuesday, August 13, 2013
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)

Call to order and roll call

Approve agenda

Approve minutes from June 18, 2013

Review and Consideration of Circuit Court Decision on Variance Application of Susan Grothe

The Board of Adjustments may convene in closed session, pursuant to Wis. Sta. Sec. 19.85(1)(g), for the purpose of conferring with legal counsel who will provide written or verbal legal opinion concerning strategy that the Board of Adjustment is likely to adopt with respect to pending litigation.

Following said closed session, the Board of Adjustments will convene in open session to adopt strategy considered in closed session and to consider and to act upon, as appropriate, those other subject matters identified herein this meeting notice for consideration or action in open session.

Recess at 8:45am to view sites

Reconvene at 1:00pm

Consider the following applications:

- FIVE FLAGS GOLF, LLC requests a special exception to Article 8D1 of the Polk County Shoreland Protection Zoning Ordinance to construct a duplex -- a continuation of public hearing from June 18, 2013. Property affected is: Pt of the SE ¼ of the SW ¼, Sec 34/T35N/R17W, town of Milltown, pond (class 3).
 - Findings of Fact
 - Conclusions of Law
- SCOTT COUNTER requests a special exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a tourist rooming house. Property affected is: 1943 Long Lake Ln, Pt of the SW ¼ of the NW ¼ and NW ¼ of the SW ¼, Sec 25/T35N/R15W, town of Johnstown, Long (Helbig) Lake (class 2).
 - Findings of Fact
 - Conclusions of Law
- PETE McCALL requests a variance to Article 11C, Table 1 & 11F2 of the Polk County Shoreland Protection Zoning Ordinance to do structural repair to dwelling located at: 260 220th Ave, Lot 5, Nessen's Pipe Lake, Sec 10/T35N/R15W, town of Johnstown, Pipe Lake (class 1).
 - Findings of Fact
 - Conclusions of Law
- JOE & KERI LIJEWSKI request a variance to Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to replace a deck less than 75' from the normal high water mark. Property affected is: 860 138th St, CSM Lot 2, Vol 6/Pg 69, pt of Gov't Lot 4, Sec 23/T33N/R17W, town of Garfield, Lake Wapogasset (class 1).
 - Findings of Fact
 - Conclusions of Law
- PETE McCALL requests an appeal to an administrative decision regarding permit denial for structural repair to dwelling located at: 260 220th Ave, Lot 5, Nessen's Pipe Lake, Sec 10/T35N/R15W, town of Johnstown, Pipe Lake (class 1).
 - 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: August 13, 2013

Present: Gene Sollman, Chair; Marilynn Nehring, Vice Chair [excused at 9:12]; Jeff Peterson, Secretary; Curtis Schmidt; Harlen Hegdal; Wayne Shirley (alt. for Marilynn Nehring)

Also Present: Lori Bodenner, Zoning Secretary; Gary Spanel, Zoning Administrator; Jeff Fuge, Corporation Counsel; Mike Wenzholz, DNR Shoreland Specialist

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

Motion (Hegdal/Schmidt) to approve the agenda as published. Carried.

Motion (Nehring/Peterson) to approve minutes of 6/18/13. Carried.

Motion (Nehring/Schmidt) to go into closed session pursuant to Wis. Sta. Sec. 19.85(1)(g) for the purpose of conferring with legal counsel, who will provide written or verbal legal opinion concerning strategy that the board is likely to adopt with respect to pending litigation. Carried on unanimous voice vote. Jeff Fuge and Gary Spanel were invited to participate in the closed session meeting.

Motion (Peterson/Nehring) to return to open session. Carried on unanimous voice vote.

Motion (Schmidt/Hegdal) to approve and adopt legal strategy recommended by counsel in closed session regarding the Grothe case. Carried on unanimous voice vote.

The board recessed at 9:12 a.m. for site visits:

- Lijewski @ 9:50
- Counter @ 10:41
- McCall @ 11:01

The board reconvened at 1:00 p.m. for public hearings on the following applications:

- FIVE FLAGS GOLF, LLC requests a special exception to Article 8D1 of the Polk County Shoreland Protection Zoning Ordinance to construct a duplex. Property affected is: Pt of the SE ¼ of the SW ¼, Sec 34/T35N/R17W, town of Milltown, pond (class 3).
 - **Motion (Hegdal/Shirley)** to take from the table. Carried.
 - Exhibit letter from Linda LaMere authorizing Richard Welty to act as her agent.
 - Testimony / those sworn in: Richard Welty
 - **Motion (Hegdal/Schmidt)** to grant special exception permit.
 - Motion carried on unanimous voice vote.
- SCOTT COUNTER requests a special exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Office to operate a tourist rooming house. Property affected is: 1943 Long Lake Ln, Pt of the SW ¼ of the NW ¼ of the SW ¼, Sec 25/T35N/R15W, town of Johnstown, Long (Helbig) Lake (class 2).
 - Exhibits read into record.
 - Testimony / those sworn in: Scott Counter, Francis Mondor

- **Motion (Peterson/Shirley)** to grant with conditions:
 - Accessory buildings must not have sleeping quarters.
 - No RVs, campers, tents or other means of overnight stay allowed.
 - All parking must be contained on the property.
 - Applicant must obtain all proper licensing.
 - All fires & embers are to be extinguished by 11 p.m. with no unattended fires.
 - Applicant must have 24-hour contact number available to the public.
 - Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity.
 - Quiet hours shall be imposed from 11 p.m. to 7 a.m.
 - Property must remain in compliance with any changes or modification to the Shoreland Protection Zoning Ordinance.
 - Applicant and renters must comply with all applicable laws and regulations:
 - Department of Natural Resources lake regulations to be included in rental information.
 - Lake association rules (if any) to be included in rental information.
 - No fireworks.
 - All pets must be contained on the property.
 - Property lines must be clearly delineated.
 - All conditions that apply to renters shall be included in rental information.
 - Existing septic system to be inspected and approved.
 - Permit to run with current owner, not property.
- Motion carried on unanimous voice vote.
- PETE McCALL requests a variance to Article 11C, Table 1 and 11F2 of the Polk County Shoreland Protections Zoning Ordinance to do structural repair to dwelling located at: 260 220th Ave, Lot 5, Nessen's Pipe Lake, Sec 10/T35N/R15W, town of Johnstown, Pipe Lake (class 1).
 - Exhibits read into record.
 - Testimony / those sworn in: Pete McCall, Chris Nelson, Jon Hol
 - Jeff Fuge, Mike Wenholz and Gary Spanel were invited to join the discussion.
 - **Motion (Hegdai/Shirley)** to grant with condition that gutters must be directed away from lake to divert water away from lake and a Land & Water Resources Department-approved runoff mitigation plan be developed and implemented.
 - Motion carried on unanimous voice vote.

Pete McCall informed the board that it was his wish to withdraw his appeal of an administrative decision that was also on the agenda. Chair Sollman recognized and accepted McCall's offer.

- JOE & KERI LIJEWSKI request a variance to Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to replace a deck less than 75' from the normal high water mark. Property affected is: 860 138th St, CSM Lot 2, Vol 6/Pg 69, pt of Gov't Lot 4, Sec 23/T33N/R17W, town of Garfield, Lake Wapogasset (class 1).
 - Exhibits read into record.
 - Testimony / those sworn in: Joe Lijewski, Doug Hoglund
 - Mike Wenholz was invited to join the discussion.
 - **Motion (Hegdai/Shirley)** to grant for a deck extending a maximum of 15' from house toward lake with condition that owner maintain buffer area along lakeshore to the north of the house.
 - Motion carried on a majority vote with Sollman and Peterson opposed.

Chair Sollman adjourned the meeting at 4:50 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary

*THESE MINUTES ARE PENDING APPROVAL AT THE NEXT BOA MEETING.