

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

Tuesday, September 9, 2014, Start: 8:00 A.M.
Polk County Government Center, West Conference Room
100 Polk County Plaza; Balsam Lake, Wisconsin

NOTICE IS HEREBY given that a meeting of the Polk County Board of Adjustment will be held at the above listed date, time, and place to consider and act on the subject matters and business noticed herein. The Board may take up noticed subject matters in a manner as it deems appropriate, regardless of the order presented on this meeting notice.

ORDER OF BUSINESS:

(Open Session)

1. Call to order and roll call
2. Approve agenda
3. Approve minutes from August 12, 2014
4. Consideration of Pending Litigation (Lockie v. Polk County Board of Adjustments, Polk County Court Case No. 2014 CV 271) and Determination of Litigation Strategy in Response to Petition for Circuit Court Review

Closed Session

Pursuant to Wisconsin Statute Section 19.85(1)(g), the Board of Adjustment may convene in closed session for the purpose of receiving a legal opinion concerning litigation strategy that the Board is likely to adopt in respect to the above noticed pending court case.

Following said closed session, the Board of Adjustment will reconvene in open session to consider and to act on matters noticed herein.

5. Consideration and Decision to Seek Circuit Court Review of Committee Decision regarding application of SBA/Verizon Wireless (Dale & Judy Wester, 1854 190th Street/ Peer Avenue, St. Croix Falls, Wisconsin) , to Appeal Conservation, Development, Recreation and Education Committee Decision To Deny Application for Conditional Use Application for Telecommunications Tower.

Closed Session

Pursuant to Section 19.85(1)(g), the Board of Adjustment may convene in closed session to receive and consider a verbal or written opinion from legal counsel concerning litigation strategy that the board of Adjustment may adopt concerning the anticipated request to the circuit court for review of the Committee Decision.

Following said closed session, the Board of Adjustment will reconvene in open session to make an announcement concerning the litigation strategy adopted and to consider and to act upon those matters noticed herein for consideration or action, as appropriate, in open session.

6. Site Visit(s) by Board on Properties noticed herein (Recess to Site Visits – 8:30 a.m.)
7. Reconvene at Polk County Government Center, West Conference Room (12:30 p.m.)
8. Public Hearing(s) And Determinations on Applications for Variances/Special Exception Permits, previously noticed, pursuant to Wisconsin Statute Section 985.07(2), and further described as follows:
 - Tabled from 8/12/2014 -- CHAD RENWICK requests a special exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to have a tourist rooming house. Property

affected is: 708 South Shore Dr, Lot 40, Rivard Park, Sec 36/T33N/R17W, town of Lincoln, Bear Trap Lake (class 1).

- WEST DENMARK CHURCH requests a special exception to Article 8D1 of the Polk County Shoreland Protection Zoning Ordinance to have a transient lodge. Property affected is: 2488 170th St, part of Gov't Lot 1, Sec 32/T36N/R17W, town of Luck, Little Butternut Lake (class 1).
- KORWIN AND MARILYN LOCKIE – reopening of decision filed July 1, 2014 regarding a variance to Article 14 of the Polk County Shoreland Protection Zoning Ordinance pertaining to runoff rating. Property affected is: 2198A West Bone Lake Ct, Lot 3, CSM #4187, Sec 7/T35N/R16W, town of Georgetown, Bone Lake (class 1).

The Board may conduct one public hearing on such noticed applications or hold separate public hearing on each of the noted applications. Following the close of each such public hearing, the Board will deliberate on the determination of each such application, develop a written decision, containing Findings of Fact, Conclusions of Law and Determination and issue said determination with respect to each application noticed herein.

9. Adjourn

Polk County Board of Adjustment Minutes*
Tuesday, September 9, 2014; Start: 8:00am
Polk County Government Center, West Conference Room
100 Polk County Plaza; Balsam Lake, Wisconsin

Present: Gene Sollman, Chair; Marilynn Nehring, Vice Chair; Harlen Hegdal, Secretary; Curtis Schmidt; Tim Laux

Also Present: Nancy Snouffer & Jason Kjeseth, Zoning Administrators; Jeff Fuge, Corporation Counsel; Malia Malone, Assistant Corporation Counsel

Sollman called the meeting to order at 8:10am.

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

Motion (Nehring/Hegdal) to approve minutes of 8/12/2014 -- carried.

Motion (Nehring/Schmidt) to go into closed session – carried, concerning pending litigation -- Lockie v. Polk County Board of Adjustments, Polk County Court Case No. 2014 CV 271.

Motion (Schmidt/Nehring) to go into open session – carried.

SBA/Verizon Wireless administrative appeal application (Wester property; 1854 190th St/Peer Avenue)

- Discussion with Fuge -- consideration to seek Circuit Court review of Committee decision regarding application denial by the Conservation, Development, Recreation and Education Committee for a telecommunications tower.
- Motion (Laux/Schmidt) to stay Board of Adjustment proceeding to allow Circuit Court action to decide the issue whether the ordinance is consistent or inconsistent with s.66.0404 – carried unanimously.

The board recessed at 8:45am for site visits and reconvened at 12:30pm for public hearings on the following applications:

- Renwick
 - Testimony/discussion; exhibits read into record.
 - Motion (Laux/Schmidt) to approve application with all sample conditions except #14 -- carried by unanimous vote.
- West Denmark Lutheran Church
 - Testimony/discussion; exhibits read into record.
 - Motion (Hegdal/Schmidt) to approve application including the 14 conditions generally used for tourist rooming house applications with the one change in #2 to read, “no RVs/Campers as a means of overnight stay allowed”. Further, the applicant agrees to the condition precedent to obtaining the special exception permit, specifically, they must get the appropriate licensing from the county health department – carried by unanimous vote.
- Lockie
 - Testimony/discussion; exhibits read into record.
 - Motion (Laux/Hegdal) to approve application with condition that the proposed mitigation plan be modified to take into consideration the increased runoff of the entire garage rather than just the portion that is within the 300 foot setback. – carried with 3/2 vote; Sollman and Nehring dissenting.

Meeting adjourned at 3:26pm.