

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

Tuesday, August 12, 2014, Start: 8:30 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 July 29, 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 and to give an announcement as to the adoption of litigation strategy as developed in closed session on such noticed pending litigation.

5. Reconsideration and Revision of Decision on Variance Application of Korwin and Marilyn Lockie, issued and filed July 1, 2014 (Application for Modification to 2004 Variance Decision)
6. Site Visits by Board on Properties noticed herein (Recess to Site Visit – 8:45 a.m.)
7. Reconvene at Polk County Government Center, West Conference Room (1:00 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 7/29/14 -- ANDREW & MELISSA SCHRADER request a special exception to Article 8D1 of the Polk County Shoreland Protection Zoning Ordinance to have a tourist rooming house. Property affected is: 1254 Leeland Ln, Lot 8, CSM #6066, part of Gov't Lot 2, Sec 1/T34N/R17W, town of Balsam Lake, Balsam Lake (class 1).
 - New date/time may be announced -- 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).
 - JOHN ANDERSON 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: 2149 West Bone Lake Point, part of Gov't Lot 4, Sec 18/T35N/R16W, town of Georgetown (Bone Lake).
 - MARK & DAWN WHITTENBURG request a special exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to have a tourist rooming house. Property affected is: 1107 Sandy Hook Ln, Lot 7, CSM #5488, part of Gov't Lot 4, Sec 6/T35N/R16W, town of Georgetown, Bone Lake (class 1).
 - MARY MAJORS requests a variance to Article 11E3 of the Polk County Shoreland Protection Zoning Ordinance to have a garage less than 63' from centerline of a town road. Property affected is: 1670 Patterson Ct, Lot 11, Patterson Park, Sec 8/T34N/R17W, town of Balsam Lake, Long Lake (class 1).

Public Hearing(s) And Determinations on Applications for Variances/Special Exception Permits
(Continued)

- JOHN & CAROLINE DAVIS request a variance to Article 11C, Table 1, Article 11F2(a)1+2 and 11E4 of the Polk County Shoreland Protection Zoning Ordinance to have an addition to side of dwelling less than 75' from the ordinary high water mark and exceed the 750 sq ft footprint; also, to have a detached garage less than 35' from centerline of a private road. Property affected is: 1790 120th St, pt of gov't Lot 2, V213/613, V225/169, Sec 6/T34N/R16W, town of Apple River, Balsam 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, August 12, 2014; Start: 8:30am
Polk County Government Center, West Conference Room
100 Polk County Plaza; Balsam Lake, Wisconsin

Present: Gene Sollman, Chair; Marilyn Nehrning, Vice Chair; Harlen Hegdal, Secretary; Curtis Schmidt; Wayne Shirley (alternate for Tim Laux)

Also Present: Nancy Snouffer & Jason Kjeseth, Zoning Administrators; Malia Malone, Assistant Corporation Counsel; Brian Hobbs, Environmental Health Specialist

Sollman called the meeting to order at 8:34am.

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

Motion (Nehrning/Schmidt) to approve minutes of 7/29/2014. Carried.

Sollman announced that the Renwick application will be heard on the September 9, 2014 meeting, as applicant could not make today's hearing.

The board recessed at 8:45am for site visits and reconvened at 1:00pm for public hearings on the following applications:

- Schrader – tabled from 7/29/14
 - Motion (Nehrning/Schmidt) to place application back on the table – carried
 - Testimony/discussion; exhibits read into record.
 - Motion (Hegdal/Schmidt) to approve application with conditions; carried by unanimous vote.
- Renwick
 - Sollman announced again that the application will be heard on September 9, 2014 meeting and checked for any interested parties, of which there were none present.
- Anderson
 - Site visit at 9:40am; testimony/discussion; exhibits read into record.
 - Motion (Schmidt/Shirley) to approve application with conditions; carried by unanimous vote.
- Whittenburg
 - Site visit at 9:13am; testimony/discussion; exhibits read into record.
 - Motion (Nehrning/Schmidt) to approve application with conditions; carried by unanimous vote.
 - Motion to re-open hearing (Nehrning/Schmidt) – carried; testimony/discussion.
 - Motion (Nehrning/Schmidt) to approve application with modified conditions; carried by unanimous vote.
- Majors
 - Site visit at 10:40am; testimony/discussion; exhibits read into record.
 - Motion (Hegdal/Shirley) to approve application with conditions; carried by unanimous vote.
- Davis
 - Site visit at 10:03am; testimony/discussion; exhibits read into record
 - Application divided into 3 parts/3 motions (Sollman/Nehrning), (Sollman/Schmidt) & (Hegdal/Shirley) to approve application with conditions; carried by unanimous voice vote.

Consideration of pending litigation – Lockie application

- Motion (Hegdal/Nehrning) to go into closed session – carried.
- Motion (Sollman/Schmidt) to go back into open session – carried.
- Motion (Sollman/Nehrning) to reopen the application on September 9, 2014 – carried.

Motion (Nehrning/Schmidt) to adjourn at 4:35pm – carried.