

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

8:30am, Tuesday, September 17, 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)

***AMENDED AGENDA**

Call to order and roll call

Approve agenda

Approve minutes from August 13, 2013

*Review and Discuss Request for Public Records and Provide Direction to Complete Same

Recess at 8:45am to view sites

Reconvene at 1:00pm

Consider the following applications:

- TOWN OF CLAM FALLS requests a special exception to Articles 15B2+3 of the Polk County Shoreland Protection Zoning Ordinance to excavate 1,000+ sq ft on slopes of 12-20% and 2,000+ sq ft on slopes of 12% or less. Property affected is: McKenzie Trl, Sec 36/T37N/R16W, town of Clam Falls, McKenzie Creek (class 2).
 - Findings of Fact
 - Conclusions of Law

- TIMOTHY & MELISSA HAYEK OZORIO request a variance to Articles 11F2(c)(1), 11C, Table 1 and 11F1 of the Polk County Shoreland Protection Zoning Ordinance for a side addition to dwelling, less than 100' from the ordinary high water mark and add height to a nonconforming accessory building located at: 2256 24th St, Lot 12, CSM #958, Sec 10/T35N/R15W, town of Johnstown, North Pipe Lake (class 2).
 - Findings of Fact
 - Conclusions of Law

- JAMES & LORI MCKAY request a special exception to Article 15B1 of the Polk County Shoreland Protection Zoning Ordinance to excavate on slopes of 20% or greater. Property affected is: 790 South Shore Dr, Lot 9, Rivard Park, Sec 25/R33N/R17W, town of Lincoln, Bear Trap Lake (class 1).
 - Findings of Fact
 - Conclusions of Law

- MARK NEIDT requests a variance to Articles 5C, 11 A1(a), 11C, Table 1 & 11E4 of the Polk County Shoreland Protection Zoning Ordinance to construct a dwelling (30' in height) on a substandard lot, less than 75' from the ordinary high water mark and less than 35' from centerline of a private road. Property affected is: 1305 Mirror Waters, Lot 22 & part of Lot 23, Mirror Waters, Gov't lot 3, Sec 29/T34N/R17W, town of Balsam Lake, Deer Lake (class 1).
 - Findings of Fact
 - Conclusions of Law

Adjourn

*Amended (added) 9/12/13

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: September 17, 2013

Present: Gene Sollman, Chair; Marilyn Nehrning, Vice Chair; Jeff Peterson, Secretary; Curtis Schmidt; Harlen Hegdal

Also Present: Lori Bodenner, Zoning Secretary; Jeff Fuge, Corporation Counsel

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 (Nehrning/Peterson) to approve minutes of 8/13/13 with the addition of the following language to be inserted after "pending litigation" in the paragraph containing the motion to go into closed session: "involving the Grothe circuit court review of the board's decision to deny a variance." Carried.

The board discussed a recent public records request with Jeff Fuge.

The board recessed at 9:16 a.m. for site visits:

- McKenzie Trail @ 9:50
- Ozorio @ 10:33
- McKay @ 11:27
- Neidt @ 12:00

The board reconvened at 1:17 p.m. for public hearings on the following applications:

- TIMOTHY & MELISSA HAYEK OZORIO request a variance to Articles 11F2(c)(1), 11C, Table 1 and 11F1 of the Polk County Shoreland Protection Zoning Ordinance for a side addition to dwelling, less than 100' from the ordinary high water mark and add height to a nonconforming accessory building located at: 2256 24th St, Lot 12, CSM #958, Sec 10/T35N/R15W, town of Johnstown, North Pipe Lake (class 2).
 - Exhibits read into the record.
 - Testimony / those sworn in: Timothy Ozorio, Melissa Hayek Ozorio.
 - **Motion (Hegdal/Schmidt)** to approve findings of fact. Carried.
 - **Motion (Hegdal/Nehrning)** to approve conclusions of law. Carried.
 - **Motion (Sollman/Hegdal)** to grant variance request for addition to north side of dwelling without screen porch; permit not to be issued until applicants submit to zoning office a Land & Water Resources-approved erosion control and shoreland restoration plan. Additionally, all roofs to be guttered with water directed away from lake.
 - **Motion (Hegdal/Sollman)** to amend by adding condition that the part of the existing deck extending from the house toward the lake be reduced to a maximum of 5' width out from side of house.
 - Motion to amend passed on 4-1 voice vote with Nehrning opposed.
 - Main motion passed on 3-2 voice vote with Peterson and Schmidt opposed.
 - **Motion (Nehrning/Hegdal)** to deny request to expand accessory building due to lack of evidence of hardship.
 - Motion carried on unanimous voice vote.

- TOWN OF CLAM FALLS requests a special exception to Articles 15B2+3 of the Shoreland Protection Zoning Ordinance to excavate 1,000+ sq ft on slopes of 12-20% and 2,000+ sq ft on slopes of 12% or less. Property affected is: McKenzie Trl, Sec 36/T37N/R16W, town of Clam Falls, McKenzie Creek (class 2).
 - Exhibits read into record.
 - Testimony / those sworn in: Greg Anderson
 - **Motion (Nehring/Hegdal)** to grant conditionally pending final approval of erosion control measures by the Land & Water Resources Department.
 - Motion carried on unanimous voice vote.

- JAMES & LORI MCKAY request a special exception to Article 15B1 of the Polk County Shoreland Protection Zoning Ordinance to excavate on slopes of 20% or greater. Property affected is: 790 South Shore Dr, Lot 9, Rivard Park, Sec 25/R33N/R17W, town of Lincoln, Bear Trap Lake (class 1).
 - Exhibits read into record.
 - Testimony / those sworn in: JoDee Lochner
 - Jeff Fuge, Mike Wenholz and Gary Spanel were invited to join the discussion.
 - **Motion (Hegdal/Nehring)** to grant with conditions listed in Article 15D1-4 of the Shoreland Ordinance.
 - Motion carried on unanimous voice vote.

- MARK NEIDT requests a variance to Articles 5C, 11A1(a), 11C, Table 1 & 11E4 of the Polk County Shoreland Protection Zoning Ordinance to construct a dwelling (30' in height) on a substandard lot, less than 75' from the ordinary high water mark and less than 35' from centerline of a private road. Property affected is: 1305 Mirror Waters, Lot 22 & part of Lot 23, Mirror Waters, Gov't lot 3, Sec 29/T34N/R17W, town of Balsam Lake, Deer Lake (class 1).
 - Exhibits read into record.
 - Testimony / those sworn in: Mark Neidt, Dave Lunde
 - **Motion (Nehring/Schmidt)** to grant on condition that new dwelling be no closer than 35' from ordinary high water mark and no closer than 16' from edge of private road. As per NR115, dwelling shall not exceed 35' in height.
 - Motion carried on unanimous voice vote.

Chair Sollman adjourned the meeting at 4:00 p.m. on a Nehring/Schmidt motion.

Respectfully Submitted,

Jeff Peterson, Secretary

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