

** Amended*

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

Tuesday, July 1, 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. Election of Secretary
4. Approve minutes from June 17, 2014
5. Discussion and Review of Board of Adjustment Functions, Duties and Procedures Ordinance:
 - a. Dana Frey, County Administrator; Malia T. Malone, Assistant Corporation Counsel
6. Presentation and Discussion: Pointers and Recommendations on Writing Determinations on Application:
 - a. Malia T. Malone, Assistant Corporation Counsel
- * 7. Clarification of information from June 10th decision for Patricia Heldt
- * 8. Clarification of information from June 17th decision for Bryan & Sherri Berg
9. Site Visits by Board on Properties noticed herein (Recess to Site Visit – 8:45 a.m.)
10. Reconvene at Polk County Government Center, West Conference Room (12:00 p.m.)
11. Consideration and Determinations on Application for Variances/Special Exception Permits, as follows:
applications:
 - A. 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:
 - ROBERT JOSEPH HAGER ESTATE: Application for Variance: Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to construct a dwelling closer than 100' from the ordinary high water mark. Property affected is: Lot 2, CSM Vol 4/Pg 116, Sec 26/T35N/R15W, town of Johnstown, Long Lake (class 2). (Tabled from 6/17/2014)
 - JENNA & NICHOLAS ERTZ: Application for Special Exception Permit: Sec. X C of the Polk County Comprehensive Land Use Ordinance to have a brewpub. Property affected is: 588 115th St County Rd C, Lot 1, CSM #6316, Sec 6/T32N/R16W, town of Black Brook, pond.
 - KORWIN & MARILYN LOCKIE Application for Variance: Article 14 of the Polk County Shoreland Protection Zoning Ordinance regarding 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).
 - MILISSA M HOFFMAN Application for Variance: Article 11C, Table 1 & 11F2(b)(1) of the Polk County Shoreland Protection Zoning Ordinance for structural repair to dwelling. Property affected is: 1699 US Hwy 8, part of Gov't Lot 1, Sec 29/T34N/R17W, town of Balsam Lake, Deer Lake (class 1)
 - B. 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.
12. Identify Subject Matters for Subsequent Meeting
13. Public Comment
14. Adjourn

Polk County Board of Adjustment Minutes – July 1, 2014
Government Center; Balsam Lake, WI 54810

Meeting called to order 8:00am

Motion to approve agenda by Hegdal with Schmidt seconding. All approved except Nehring abstained.

Motion to approve June 10, 2014 minutes by Nehring with Schmidt seconding with amendment to add under Heldt decision, additional finding of fact: Mother is handicapped. All voted to approve.

Approval of June 17, 2014 minutes. Nehring made motion to approve with Shirley seconding. All voted for approval.

Dana Fry (Polk County Administrator) addressed the BOA with regards to the County Administrator and that the BOA answers to Dana and the County Board. He noted that BOA members can contact him directly with questions/concerns. He commended the work and commitment of the BOA.

BOA Recessed at 9:10am to review site locations.

- Hager @ 9:40am
- Lockie @ 10:15am
- Hoffman @ 10:52am
- Ertz @ 11:15am

BOA reconvened at the Government Center @ 12:50pm

Hager

- Jeff Cook and Cynthia Rassbach testified.
- Findings of Fact
 - Applicant reduced the size of the dwelling
 - Town reduced set-back from road by 10'
 - Town requested that applicant not disturb the bank next to the road
 - Lot is difficult to build on due to slope and road.
- Hegdal made the motion to approve with conditions and Shirley seconding -- all voted to approve except Schmidt voted "no". Conditions: Water run-off approved plan. Structure to be placed as marked on the lot.

Lockie

- Korwin and Marilyn Lockie testified.
- The Lockie's requested a variance to build a garage.
- Findings of Fact
 - Lockie had a variance in 2004 and the proposed garage would be built in a holding pond area that was part of the 2004 mitigation plan.
 - The pond has water in it and if the garage was built the water would go to the neighbors.
 - They have an attached garage.

- The board voted to deny because no hardship exists. Sollman made the motion with Nehring seconding -- all voted to deny except Hegdal and Schmidt.

Ertz

- Nicholas Ertz testified.
- Requests a "Special Exception" to have a brewpub.
- Finding of Fact
 - Property is already zoned commercial
 - It was noted that a tavern was listed in the ordinance but a brewpub was not.
- Schmidt made the motion to approve with Nehring seconding – all voted to approve.

Hoffman

- Michael Hoffman testified.
- Variance for structure repair.
- Finding of Fact:
 - Silt fencing and erosion on property
 - Work had already started and they found extensive rot.
 - Variance was already granted
- Nehring made the motion to approve with Shirley seconding -- All voted to approve.

Michael Wenholz then addressed the BOA with regards to paperwork and high volume of BOA requests. It was noted that water quality was only one of the criteria for the BOA. Also noted that a majority of phosphorous was from agriculture.

Adjourned at 3:55pm