

**POLK COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING AND MEETING
8:30am, Tuesday, June 26, 2012
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)

AGENDA

Call to order and roll call

Approve agenda

Reconsider motions from 5/22/2012

- OLIVE JOHNSON -- Special Exception Permit to Section VIB5 of the Polk County Comprehensive Land Use Ordinance to establish a nonmetallic mine in Section 35, town of Apple River
- MATHY CONSTRUCTION -- Consolidation of operation times on three existing gravel pits in Sec 2, town of Lincoln & Sec 35, town of Apple River that were granted a Special Exception Permit with conditions.

Approve minutes from May 22, 2012

Recess at 8:45am to view sites

Reconvene at 1:00pm

Consider the following applications:

- PAUL DUXBURY requests a modification to a previous variance granted back on August 9, 1995 from the Polk County Shoreland Protection Zoning Ordinance, to increase the height of the original proposal by 5', making the addition 25' instead of 20' tall and place a deck in front of the porch that was proposed back in 1995. The original request was necessary because of a pond located to the rear of the property. A setback of 41' was granted to Mr. Duxbury at the 1995 public hearing. Property located: 1370 Kemah Park Trail, Pt of Gov't lot 8, Sec 35/T35N/R17W, town of Milltown, Balsam Lake (class 1) and pond (class 3).
 - Findings of Fact
 - Conclusions of Law
- BRENDA WEIERKE, MICHAEL FEIST & LOWELL DUNCAN request a Special Exception to Article 8D4 of the Polk County Shoreland Protection Zoning Ordinance to establish a full service equine center. Property affected: 2055 State Hwy 46, Parts of the NW ¼ of the NE ¼, SE ¼ of the NE ¼, NE ¼ of the SE ¼ & NE ¼, of the NE ¼, all in Sec 21/T35N/R17W, town of Milltown, Otter Creek (class 2).
 - Findings of Fact
 - Conclusions of Law
- JOHN M. NASSEFF JR requests a variance & Special Exception to Article 8C4(a) and 15B1 of the Polk County Shoreland Protection Zoning Ordinance to build a boathouse 28' in length and grade a slope greater than 20%. Property affected: Lot 1, CSM Vol 6/Pg 127, Sec 13+14/T33N/R17W, town of Garfield, Lake Wapogasset (class 1).
 - Findings of Fact
 - Conclusions of Law
- THOMAS HOUGHTON requests a variance to Article 11C, Table 1 & 5C of the Polk County Shoreland Protection Zoning Ordinance to construct a dwelling less than 75' from the ordinary high water mark and greater than 26' in height. Property affected: 238 West Lower Pine Lake Ct, Lot 1, CSM Vol 23/Pg 82, Sec 23/T32N/R18W, town of Alden, Lower Pine 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: June 26, 2012

Present: Gene Sollman, Chair; Marilyn Nehring, Vice Chair; Jeff Peterson, Secretary; Curtis Schmidt; Art Gillitzer

Also Present: Gary Spanel, Lori Bodenner, Mike Wenholz, members of the public

Chair Sollman called the meeting to order at 8:35 a.m. with a quorum present.

Motion (Nehring/Schmidt) to approve the agenda. Carried.

Motion (Gillitzer/Nehring) made and carried to reconsider the following applications from 5/22/12:

- MATHY CONSTRUCTION / MILESTONE MINERALS requests to consolidate operation times at three previously permitted pits. The three pits in question are located as follows: N 1/2 of the NW 1/4 of Section 2/T33N/R16W, town of Lincoln; W 1/2 of the SW 1/4 and the SW 1/4 of the NE 1/4 and the S 1/2 of the SE 1/4 of the NW 1/4, all in Section 35/T34N/R16W, town of Apple River.
 - **Motion (Gillitzer/Nehring)** to grant as follows:
 - Hours of operation at Alan Johnson Pit are changed from daylight hours to 6 a.m. - 8 p.m. Monday - Saturday.
 - Hours of operation at Duane Stone Pit are changed from 5 a.m. - 8 p.m. Monday - Saturday to 6 a.m. - 8 p.m. Monday - Saturday.
 - Hours at Lincoln Pit to remain consistent with the above.
 - Carried on unanimous voice vote.

Motion (Peterson/Schmidt) made and carried to reconsider the following application from 5/22/12:

- OLIVE JOHNSON requests a Special Exception Permit to Section VIB5 of the Polk County Comprehensive Land Use Ordinance to establish a nonmetallic mine. Property affected is: Part of the SW 1/4 of the SE 1/4, Section 35/T34N/R16W, town of Apple River.
 - **Motion (Gillitzer/Nehring)** to grant with condition that applicant be held to operation plan and environmental considerations set forth in "Proposed Mains Crossing Properties Master Plan" dated July 21, 2011.
 - Carried on unanimous voice vote.

Motion (Nehring/Gillitzer) to approve minutes of 5/22/12 as written. Carried.

The board recessed at 8:56 a.m. for site visits:

- Weierke/Feist/Duncan @ 9:13
- Duxbury @ 9:52
- Houghton @ 10:43
- Nasseff @ 11:22

The board reconvened at 1:04 p.m. to consider the following applications:

- PAUL DUXBURY requests a modification to a previous variance granted on August 9, 1995 from the Polk County Shoreland Protection Zoning Ordinance to increase the height of the original proposal by 5', making the addition 25' instead of 20' and to place a deck in front of the porch that was proposed in 1995. The original request was necessary because of a pond located to the rear of the property. A setback of 41' was granted to Mr. Duxbury at the 1995 public hearing. Property is located at 1370 Kemah Park Trail, Pt of Gov't lot 8, Sec 35/T35N/R17W, town of Milltown, Balsam Lake (class 1) and pond (class 3).
 - Exhibits read into record.
 - Testimony / those sworn in: Paul Duxbury, Mike Wenholz, Tom Russell, Jim Burmeister
 - **Motion (Gillitzer/Nehring)** to grant in part for height modification from 20' to height of existing structure. Variance for deck addition is denied.
 - Carried on unanimous voice vote.

- BRENDA WEIERKE, MICHAEL FEIST & LOWELL DUNCAN request a special exception to Article 8D4 of the Polk County Shoreland Protection Zoning Ordinance to establish a full service equine center. Property affected is 2055 State Hwy 46, Parts of the NW 1/4 of the NE 1/4, SE 1/4 of the NE 1/4, NE 1/4 of the SE 1/4 & NE 1/4 of the NE 1/4, all in Sec 21/T35N/R17W, town of Milltown, Otter Creek (class 2).
 - Exhibits read into record.
 - Testimony / those sworn in: Brenda Weierke, Nancy Jenks, Denice Parish, Michael Wenholz, Shirley Glenna, Karen Alling
 - **Motion (Nehring/Gillitzer)** to grant with conditions:
 - Approval of activities specified in Exhibit 3a except for barn dances and overnight camping unless proper permitting is obtained for those activities.
 - Applicant is to submit an erosion control plan approved by the Land & Water Resources Department to prevent runoff from driveway staging area to Otter Creek prior to the issuance of a special exception permit. Erosion control plan to be fully implemented within 6 months of issuance of permit.
 - Motion carried on unanimous voice vote.

- JOHN M. NASSEFF JR requests a variance to Article 8C4(a) & special exception to Article 15B1 of the Polk County Shoreland Protection Zoning Ordinance to build a boathouse 28' in length and grade a slope greater than 20%. Property affected is Lot 1, CSM Vol 6/Pg 127, Sec 13+14/T33N/R17W, town of Garfield, Lake Wapogasset (class 1).
 - Exhibits read into record.
 - Testimony / those sworn in: John Nasseff
 - **Motion (Gillitzer/Nehring)** to grant special exception with conditions:
 - Ground shall be exposed for as short a time as feasible.
 - Temporary ground cover (mulch or jute netting, etc.) shall be used and permanent vegetative cover shall be established.
 - Diversion berms, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
 - Fill shall be stabilized according to accepted engineering standards.
 - Rain garden to be established to rear of boathouse as per plans submitted by applicant.
 - Motion carried on unanimous voice vote.
 - **Motion (Nehring/Schmidt)** to deny variance request for boathouse length greater than 26'.
 - Motion carried on unanimous voice vote.

- THOMAS HOUGHTON requests a variance to Article 11C, Table 1 & 5C of the Polk County Shoreland Protection Zoning Ordinance to construct a dwelling less than 75' from the ordinary high water mark

and greater than 26' in height. Property is affected is 238 West Lower Pine Lake Ct, Lot 1, CSM Vol 23/Pg82, Sec 23/T32N/R18W, town of Alden, Lower Pine Lake (class 1).

- Exhibits read into record.
- Testimony / those sworn in: Thomas Houghton, Jean Houghton, Jake Simma, Donae Steffen, Gary Spanel
- **Motion (Peterson/Gillitzer)** to deny.
- Motion carried on unanimous voice vote.

Chair Sollman adjourned the meeting at 5:00 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary

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