

**POLK COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING AND MEETING
8:30am, Tuesday, August 30, 2011
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

Approve minutes from 8/9/2011

Review sample conditions for transient dwellings

Recess at 8:45am to view site

Reconvene at 10:00am

Christian and Dawn Hiniker

- Consider Recommendation of Corporation Counsel to Reinstate Decision to Grant Special Exception decided on June 7, 2011, to, decided June 7, 2011, and to vacate motion and vote on motion for reconsideration, made on July 5, 2011.
- Action to Reinstate Special Exception granted June 7, 2011, including action to Vacate Motion and Vote of Reconsideration, made on July 5, 2011.
- Schedule Application of Christian and Dawn for Special Exception for future public hearing, if needed.

Consider the following applications:

- RICHARD L. COOK requests a variance from Article 11E2+3 of the Polk County Shoreland Protection Zoning Ordinance to build structures closer than 63' from centerline of town roads and closer than 75' from centerline of 335th Ave/County Rd I. Units affected are: 1-8, 18, 19, 26-40, 54-56, 64-70, 78, 79+91. Property affected is: 642 & 648 335th Ave/County Rd I, Lots 1,6,7,9+10, Nelsons Clam Falls Park Add, Pt of NW ¼, SE ¼, Sec 13/T37N/R16W, town of Clam Falls, Clam Falls Flowage (class 2). This was continued from 8/9/2011 hearing.
 - Findings of Fact
 - Conclusions of Law
- DAVID NORDGAARD requests a Special Exception from Article 8D7 of the Polk County Shoreland Protection Zoning Ordinance and Sec VIA3 of the Polk County Comprehensive Land Use Ordinance to expand existing travel trailer park which will add 23 travel trailer units and 6 yurt rental sites. This is a continuation from July 5, 2011 hearing date. Property affected is: 1977A Polk-Barron St, Pt of Gov't Lot 1+2, Sec 25/T35N/R15W, town of Johnstown, Staples Lake (class 3).
 - Findings of Fact
 - Conclusions of Law

Adjourn

Polk County Board of Adjustment Minutes*
Government Center; Balsam Lake, WI 54810

Date: August 30, 2011

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

Also Present: Lori Bodenner; members of the public

Chair Sollman called the meeting to order at 8:30 a.m. with a quorum present.

Motion (Nehring/Schmidt) to approve the agenda with addition of discussion item regarding shoreline restoration plans. Carried.

The board recessed at 8:45 a.m. for site visits:

- Nordgaard site visit @ 9:15 a.m.
- Cook site visit @ 10:06 a.m.

The board reconvened at 10:53 a.m. to consider the following applications:

- RICHARD L. COOK requests a variance from Article 11E2+3 of the Polk County Shoreland Protection Zoning Ordinance to build structures closer than 63' from centerline of town roads and closer than 75' from centerline of 335th Ave/County Rd I. Units affected are: 1-8, 18, 19, 26-40, 54-56, 64-70, 78, 79 and 91. Property affected is: 642 & 648 335th Ave/County Rd I, Lots 1,6,7,9&10, Nelsons Clam Falls Park Add, Pt of NW ¼, SE ¼, Sec 13/T37N/R16W, town of Clam Falls, Clam Falls Flowage (class 2).
 - Exhibit read into record.
 - Testimony / those sworn in: Richard Cook
 - **Motion (Peterson)** to allow repositioning of sites 26-29 to meet side setback requirements without moving any structure closer to Co. Rd. I. Motion died for lack of a second.
 - **Motion (Sollman/Schmidt)** to deny request as it relates to all sites except #39. Request for variance to site #39 is granted in part in that nonconforming deck may be retained if its dimensions are reduced by 4' on the side fronting on Oscar Dr., bringing deck area down to the size of the original deck that it replaced.
 - **Motion (Nehring/Peterson)** to amend to allow deck at site #39 to remain at present dimensions.
 - Amendment failed on 3-2 voice vote with Sollman, Gillitzer, and Schmidt opposed.
 - Main motion passed on 4-1 voice vote with Nehring opposed.
- DAVID NORDGAARD requests a Special Exception from Article 8D7 of the Polk County Shoreland Protection Zoning Ordinance and Sec VIA3 of the Polk County Comprehensive Land Use Ordinance to expand existing travel trailer park which will add 23 travel trailer units and six yurt rental sites. This is a continuation from July 5, 2011 hearing date. Property affected is: 1977A Polk-Barron St, Pt of Gov't Lot 1+2, Sec 25/T35N/R15W, town of Johnstown, Staples Lake (class 3).
 - Exhibit read into record.
 - Testimony / those sworn in: David Nordgaard
 - **Motion (Gillitzer/Nehring)** to grant request for 22 additional travel trailer sites and no yurt sites on condition that west and south property boundaries be posted every 100' with "no trespassing" signs facing the Nordgaard property.

- o Motion carried on unanimous voice vote.

Chair Sollman led a discussion of Corporate Counsel Jeff Fuge's recommendations relative to the Christian and Dawn Hiniker special exception request which was approved on 6/07/11 and then subject to reconsideration on 7/05/11.

Chair Sollman reopened the Nordgaard public hearing to take additional testimony from Sally Stewart and David Nordgaard. **Motion (Nehring)** to reconsider previous decision. Motion died for lack of a second. No further action was taken.

Further discussion ensued on the Hiniker application. **Motion (Peterson/Gillitzer)** to rescind 7/05/11 motion to reconsider and to reinstate original 6/07/11 motion to grant special exception permit with conditions. Carried on unanimous voice vote.

Motion (Peterson/Gillitzer) to approve minutes of 8/09/11 with addition of Gary Spanel among those present. Carried.

The board agreed by consensus to amend sample condition #14 in the document "Sample Conditions for a Special Exception from Article 8D1 & 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance – Operating a Tourist Rooming House/Transient Lodge".

A brief discussion ensued regarding the preparation and approval of shoreline restoration plans by applicants for variances and special exceptions. This item will be added to the agenda for the next meeting.

Motion (Nehring/Gillitzer) to adjourn. Carried. Meeting adjourned at 2:09 p.m. The next scheduled meeting is set for 9/13/11 at 8:30 a.m.

Respectfully Submitted,

Jeff Peterson, Secretary

*THESE MINUTES ARE PENDING APPROVAL AT THE SEPTEMBER 13, 2011 BOA MEETING