

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

Tuesday, August 31, 2010, 8:30am

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)

***AMENDA AGENDA**

Call to order and roll call

Approve agenda

Approve minutes from 8/24/2010

Recess at 8:45am to view sites

- *MARK G MANN excavation which exceeded 2000 sq ft on slopes of 0-12%; 1723 E Balsam Lake Ln, Lot 7, E Balsam Lake Condominium, Sec 6/T34N/R16W, Apple River Twp, Balsam Lake (class 1) – a site visit only.

Reconvene at 1:00pm to hear the following applications

- STEVEN & JEANNA DRINKEN request a Special Exception from Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House. Property affected is: 726 167th Av, Lot 1, CSM #1120, Vol 5/Pg 110, Sec 11/T34N/R16W, town of Apple River, White Ash Lake (class 1).
 - Findings of Fact
 - Conclusions of Law
- JAN GUSEK requests a variance from Article 11E2 of the Polk County Shoreland Protection Zoning Ordinance to place a mobile home and build a garage closer than 42' from right-of-way of a county highway. Property affected is: Pt of Gov't Lot 1, V957/130, Sec 29/T36N/R17W, town of Luck, Little Butternut Lake (class 1).
 - Findings of Fact
 - Conclusions of Law
- RICHARD & DEBORAH KEEVILLE request a variance from Article 11C, Table 1 and 12B2(e) of the Polk County Shoreland Protection Zoning Ordinance to keep a deck closer than 100' from ordinary high water mark with stairs greater than 4' wide. Property affected is: 989 Vincent Lake Ln, Pt of NW ¼, NW ¼, Sec 9/T35N/R16W, town of Georgetown, Vincent Lake (class 3).
 - Findings of Fact
 - Conclusions of Law
- MYRVIN CHRISTOPHERSON requests a variance from Article 11B1 & 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to replace existing dwelling with new dwelling on substandard lot less than 75' from ordinary high water mark. Property affected is: 1975 124th St, Lot 2, CSM Vol 1/Pg 76, Pt Gov't Lot 4, Sec 25/T35N/R17W, town of Milltown, Half Moon Lake (class 1).
 - Findings of Fact
 - Conclusions of Law
- JOE DEIGNAN requests a Special Exception from Article 15B1 of the Polk County Shoreland Protection Zoning Ordinance to excavate on 20% or greater slopes. Property affected is: 1443 188th Av, Lot 3, CSM #2263, Vol 10/Pg 187, Pt of Gov't Lot 6, Sec 27/T35N/R17W, town of Milltown, Balsam Lake (class 1).
 - Findings of Fact
 - Conclusions of Law

Adjourn

*Amended 8/26/10

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

Date: August 31, 2010

Present: Gene Sollman, Chair; Marilyn Nehring, Vice-Chair; Jeff Peterson, Secretary; Curtis Schmidt; Wayne Shirley (alt. for Art Gillitzer)

Also Present: Roxann Moltzer (for site visits), Lori Bodenner, Gary Spanel, members of the public

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

Motion (Shirley/Gillitzer) to approve the agenda. Carried.

Motion (Peterson/Nehring) to approve minutes of August 24 meeting with one addition: Board approved by consensus an amended list of sample conditions for tourist rooming houses. Carried.

The board recessed at 8:45 a.m. for site visits and reconvened at 1:00 p.m.

The following applications were considered:

- STEVEN & JEANNA DRINKEN request a special exception from Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a tourist rooming house. Property affected is: 726 167th Av, Lot 1, CSM #1120, Vol 5/Pg 110, Sec 11/T34N/R16W, town of Apple River, White Ash Lake (class 1).
 - Exhibits read into record
 - Testimony / those sworn in: Steve Drinken
 - Findings of fact
 - Conclusions of law
 - **Motion (Shirley/Schmidt)** to approve with conditions:
 - Accessory buildings must not have sleeping accommodations.
 - No RVs, campers, tents or other means of overnight stay allowed.
 - All parking must be contained on the property.
 - Applicant must obtain all proper licensing.
 - All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.
 - Applicant must have 24-hour contact number available to the public.
 - Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
 - Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
 - Property must remain in compliance with any changes or modification to the Shoreland Protection Zoning Ordinance.
 - Applicant and renters must comply with ALL applicable laws and regulations:
 - a. Department of Natural Resources lake regulations to be included in rental information.
 - b. Lake association rules to be included in rental information.
 - c. Wisconsin state statutes regarding fireworks regulations to be included in rental information.
 - All pets must be contained on the property.
 - Property lines must be clearly delineated.
 - All conditions that apply to renters shall be included in rental information.
 - Existing septic system to be inspected, approved, and brought up to code for three-bedroom dwelling.
 - Motion carried on unanimous voice vote.
- JAN GUSEK requests a variance from Article 11E2 of the Polk County Shoreland Protection Zoning Ordinance to place a mobile home and build a garage closer than 42' from right-of-way of a county highway. Property affected is: Pt of Gov't Lot 1, V957/130, Sec 29/T35N/R17W, town of Luck, Little Butternut Lake (class 1).

- Zoning Administrator Gary Spanel gave a staff report.
 - Testimony / those sworn in: Jan Gusek, Mark Carlson, Ray Garske
 - Findings of fact
 - Conclusions of law
 - **Motion (Nehring/Schmidt)** to deny. Carried on unanimous voice vote.
- RICHARD & DEBORAH KEEVILLE request a variance from Article 11F2 of the Polk County Shoreland Protection Zoning Ordinance to keep a deck closer than 100' from ordinary high water mark with stairs greater than 4' wide. Property affected is: 989 Vincent Lake Ln, Pt of NW ¼, NW ¼, Sec 9/T35N/R16W, town of Georgetown, Vincent Lake (class 3).
 - Exhibits read into record.
 - Testimony / those sworn in: Richard & Deborah Keeville
 - Findings of fact
 - Conclusions of law
 - **Motion (Peterson/Shirley)** to grant with stipulation that \$500 penalty be assessed for after-the-fact variance. Carried on unanimous voice vote.
- MYRVIN CHRISTOPHERSON requests a variance from Article 11B1 & 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to replace existing dwelling with new dwelling on substandard lot less than 75' from ordinary high water mark. Property affected is: 1975-124th St, Lot 2, CSM Vol 1/Pg 76, Pt Gov't Lot 4, Sec 25/T35N/R17W, town of Milltown, Half Moon Lake (class 1).
 - Exhibits read into record.
 - Testimony / those sworn in: Myrvin & Anne Christopherson, Chris Nelson
 - Findings of fact
 - Conclusions of law
 - **Motion (Shirley/Schmidt)** to grant on condition that 35' buffer zone be maintained. Carried on unanimous voice vote.
- JOE DEIGNAN requests a special exception from Article 15B1 of the Polk County Shoreland Protection Zoning Ordinance to excavate on 20% or greater slopes. Property affected is: 1443-188th Av, Lot 3, CSM #2263, Vol 10/Pg187, Pt of Gov't Lot 6, Sec 27/T35N/R17W, town of Milltown, Balsam Lake (class1).
 - Exhibits read into record.
 - Testimony / those sworn in: Chris Nelson
 - Findings of fact
 - Conclusions of law
 - **Motion (Nehring/Peterson)** to grant with conditions:
 - Ground to 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.
 - Plants from excavated area to be replanted in area where stairs are being removed as per Land & Water Department-approved plan.
 - Motion carried on unanimous voice vote.
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Motion (Nehring/Schmidt) to adjourn. Carried. Meeting adjourned at 3:45 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary