

**POLK COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING AND MEETING
Tuesday, October 19, 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)

AGENDA

Call to order and roll call

Approve agenda

Approve minutes from 9/28/2010

Rene Benitez Special Exception (9/28/2010, granted with conditions)

Recess at 8:45am to view sites

Reconvene at 1:00pm

- THOMAS J STORMONT requests a Special Exception from Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House. Property affected is: 2165 E Pipe Lake Ln, Lot 8, CSM #1925, Vol 9/Pg 72, in Gov't Lot 3, Sec 15/T35N/R15W, town of Johnstown, Pipe Lake (class 1).
 - Findings of Fact
 - Conclusions of Law
- CRAIG & SHEILA HAASNOOT request a variance form Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a garage closer than 100' from the ordinary high water mark. Property affected is: 956 N Wisconsin Ln, pt of SW ¼, SE ¼, Sec 21/T33N/R16W, town of Lincoln, pond (class 3).
 - Findings of Fact
 - Conclusions of Law
- JONATHAN SCHMELZ requests a variance to Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build/replace retaining walls. Property affected is: 94 160th Av, Pt of Gov't Lot 2, Sec 13/T34N/R15W, town of Beaver, Horseshoe Lake (class 1).
 - Findings of Fact
 - Conclusions of Law
- TERRY A PEER requests a variance and Special Exception from Article 8D & 8D5 of the Polk County Shoreland Protection Zoning Ordinance to keep an existing building closer than 25' from side property line and to operate a Retail Marine Outlet. Property affected is: 1956 US Hwy 8, Lot 2, CSM #2332, Vol 11/Pg 39, pt of NE ¼, NW ¼, and NW ¼, NE ¼, Sec 35/T34N/R18W, town of St Croix Falls, pond (class 3).
 - Findings of Fact
 - Conclusions of Law
- MARK MANN requests a variance and Special Exception from Article 11C, Table 1 and 15B3 of the Polk County Shoreland Protection Zoning Ordinance to keep two (2) patios closer than 75' from ordinary high water mark; also, to excavate on 0-12% slopes which will exceed 2000 sq ft (after-the-fact). Property affected is: 1723 East Balsam Lake Ln, Unit 7, East Balsam Resort Condominium, Sec 6/T34N/R16W, town of Apple River, Balsam Lake (class 1).
 - Findings of Fact
 - Conclusions of Law

Discussion with administration

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: October 19, 2010

Present: Gene Sollman, Chair; Marilyn Nehrning, Vice-Chair; Jeff Peterson, Secretary; Curtis Schmidt; Tim Laux (alt. for Art Gillitzer)

Also Present: Roxann Moltzer (for site visits), 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 the deletion of the Haasnoot variance request, which has been postponed. Carried.

Motion (Nehring/Schmidt) to approve minutes of September 28 meeting. Carried.

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

The following applications were considered:

- THOMAS J STORMONT requests a special exception from Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a tourist rooming house. Property affected is: 2165 E Pipe Lake Ln, Lot 8, CSM #1925, Vol 9/Pg 72, in Gov't Lot 3, Sec 15/T35N/R15W, town of Johnstown, Pipe Lake (class 1).
 - Exhibits read into record
 - Testimony / those sworn in: Dorothy Stormont, Dick Hollar
 - Findings of fact
 - Conclusions of law
 - **Motion (Nehring/Schmidt)** to grant with conditions:
 - Accessory building(s) 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 and embers are to be extinguished by 11 p.m., with no unattended fires. No fires during times of burning bans.
 - Applicant must have 24-hour contact number available to the public. Renters to have all local emergency numbers, including town and lake district officials.
 - Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
 - Quiet hours shall be imposed from 11 p.m. to 7 a.m.
 - Property must remain in compliance with any changes or modifications to the Shoreland Protection Zoning Ordinance.
 - Applicant and renters must comply with ALL applicable laws and regulations. Department of Natural Resources lake regulations and lake association rules to be included in rental information.
 - The use of fireworks by renters is prohibited.
 - Renters shall not be allowed to bring pets onto the property.
 - Property lines must be clearly delineated.
 - All conditions that apply to renters shall be included in rental information.
 - Motion carried on a unanimous voice vote.

- JONATHAN SCHMELZ requests a variance to Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build/replace retaining walls. Property affected is: 94 160th Av, Pt of Gov't Lot 2, Sec 13/T34N/R15W, town of Beaver, Horseshoe Lake (class 1).
 - Exhibits read into record.
 - Testimony / those sworn in: Carol Schmelz, Jim Novak
 - Findings of fact
 - Conclusions of law
 - **Motion (Laux/Nehring)** to deny. Motion withdrawn.
 - **Motion (Laux/Schmidt)** to grant contingent on the design of a shoreland restoration plan jointly agreed to between the applicant and the Land & Water Resources Department.
 - Motion carried on a unanimous roll call vote.

- TERRY A PEER requests a variance from Article 8D and a special exception from Article 8D5 of the Polk County Shoreland Protection Zoning Ordinance to keep an existing building closer than 25' from side property line and to operate a retail marine outlet. Property affected is: 1956 US Hwy 8, Lot 2, CSM #2332, Vol 11/Pg 39, pt of NE ¼, NW ¼, and NW ¼, NE ¼, Sec 35/T34N/R18W, town of St. Croix Falls, pond (class 3).
 - Exhibits read into record.
 - Testimony / those sworn in: Terry Peer, Jim Alt
 - Findings of fact
 - Conclusions of law
 - **Motion (Nehring/Peterson)** to grant special exception. Carried on unanimous voice vote.
 - **Motion (Laux/Nehring)** to grant variance. Carried on unanimous voice vote.

Curtis Schmidt excused himself from the meeting at 3:45.

- MARK MANN requests a variance from Article 11C, Table 1 and a special exception from Article 15B3 of the Polk County Shoreland Protection Zoning Ordinance to keep two (2) patios closer than 75' from ordinary high water mark; also, to excavate on 0-12% slopes in excess of 2000 sq ft (after-the-fact). Property affected is: 1723 East Balsam Lake Ln, Unit 7, East Balsam Resort Condominium, Sec 6/T34N/R16W, town of Apple River, Balsam Lake (class 1).
 - Exhibits read into record.
 - Testimony / those sworn in: Mark Mann
 - Findings of fact
 - Conclusions of law
 - **Motion (Nehring/Sollman)** to grant special exception with recognition that applicant is subject to penalty for after-the-fact application. Carried on unanimous voice vote.
 - **Motion (Laux/Sollman)** to grant variance in part, approving the request for patio attached to house but denying request for patio around fire ring. Carried on unanimous voice vote.

Chair Sollman adjourned the meeting at 4:30 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary