

**POLK COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING AND MEETING
Tuesday, July 20, 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 7/6/2010

Election of Officers

Review Board of Adjustment Procedures Ordinance

Recess at 8:45am to view sites

Reconvene at 11:00am

- ROBERT SHERRARD / SHERRARD'S TAVERN request a variance to Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a deck less than 75' from the ordinary high water mark. Property affected is: 2049 90th St, Pt of Gov't Lot 7, Sec 22/T35N/R16W, town of Georgetown, Big Blake Lake (class 1).
 - Findings of Fact
 - Conclusions of Law

- DAVID LUNDGREN requests a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House. Property affected is: 763 S White Ash Ct, Lot 45, White Ash Park, Sec 11/T34N/R16W, town of Apple River, Apple River (class 2).
 - Findings of Fact
 - Conclusions of Law

- JOHN & BARBARA COLLINS 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: 1899 Peer Av, Lot 1, CSM #3589, Vol 16/Pg 102, Sec 25/T34N/R18W, town of St Croix Falls, Deer 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: July 20, 2010
Present: Gene Sollman, Chair; Curtis Schmidt, Vice-Chair; Jeff Peterson, Secretary; Marilyn Nehring; Wayne Shirley (alt. for Art Gillitzer)
Also Present: Roxann Moltzer, Lori Bodenner, Gary Spanel, Patty Lombardo (Health Dept), members of the public

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

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

Motion (Nehring/Schmidt) to approve minutes of July 6 meeting. Carried.

Officers were elected pending approval of BOA Procedures Ordinance amendment by county board. **Curtis Schmidt nominated** Gene Sollman for chair. **Wayne Shirley moved** to close nominations and cast a unanimous ballot for Sollman. Carried. **Curtis Schmidt nominated** Marilyn Nehring for vice chair. There being no other nominations, Nehring was elected by unanimous consent. **Wayne Shirley nominated** Jeff Peterson for secretary. Marilyn **Nehring moved** to close nominations and cast a unanimous ballot. Carried.

The board recessed at 8:48 a.m. for site visits and reconvened at 11:05 p.m.

The following applications were considered:

- ROBERT SHERRARD / SHERRARD'S TAVERN request a variance to Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a deck less than 75' from the ordinary high water mark. Property affected is: 2049 90th St, Pt of Gov't Lot 7, Sec 22/T35N/R16W, town of Georgetown, Big Blake Lake (class 1).
 - Site visit: 9:11 a.m.
 - Exhibits read into record
 - Testimony / those sworn in: James & Shirley King, Vi Plumley
 - Findings of fact
 - Conclusions of law
 - **Motion (Nehring/Schmidt)** to deny the application. Roll call vote: Shirley-no, Peterson-no, Sollman-yes, Nehring-yes, Schmidt-yes. Motion carried.

- DAVID LUNDGREN requests a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House. Property affected is: 763 S White Ash Ct, Lot 45, White Ash Park, Sec 11/T34N/R16W, town of Apple River, Apple River (class 2).
 - Site visit: 9:37 a.m.
 - Exhibits read into the record.
 - Testimony / those sworn in: Dawn & David Lundgren, John & Gayle Raye, Joanne Van Schoonhoven, Kelly Rassbach
 - Findings of fact
 - Conclusions of law
 - **Motion (Peterson/Nehring)** to grant special exception request with conditions:
 - 1) Accessory buildings not to have sleeping accommodations.
 - 2) No RV, pop-up campers, tents, or other means of overnight stay allowed.
 - 3) All parking must be contained on property.
 - 4) Applicant must obtain all proper licensing.
 - 5) All fires and embers to be extinguished by 11 p.m.; no unattended fires.
 - 6) Applicant must have 24-hour contact phone number available to public.
 - 7) Property to remain free from citations and charges for nuisance, disorderly conduct, or other illegal activity.
 - 8) Quiet hours to be imposed from 11 p.m. to 7 a.m.

- 9) Property must remain in compliance with any changes to the Shoreland Zoning Ordinance.
 - 10) Applicant and renters must comply with ALL applicable laws and regulations:
 - Department of Natural Resources lake regulations to be included in rental information.
 - Lake Association rules to be included in rental information.
 - 11) Applicant to prohibit use of fireworks by renters.
 - 12) Applicant to prohibit renters from bringing pets onto the property.
 - 13) Property lines must be clearly delineated.
 - o Roll call vote: Schmidt-no, Nehring-yes, Sollman-yes, Peterson-yes, Shirley-yes. Motion carried.
- JOHN & BARBARA COLLINS 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: 1899 Peer Av, Lot 1, CSM #3589, Vol 16/Pg 102, Sec 25/T34N/R18W, town of St. Croix Falls, Deer Lake (class 1).
 - o Site visit: 10:08
 - o Exhibits read into record.
 - o Testimony / those sworn in: John Collins, Kevin Baumgart
 - o Findings of fact
 - o Asst. Zoning Admin. Roxanne Moltzer joined the board to answer questions regarding county vs. town zoning and septic systems
 - o Conclusions of law
 - o **Motion (Nehring/Peterson)** to grant special exception request with conditions:
 - 1) Accessory buildings not to have sleeping accommodations.
 - 2) No RV, pop-up campers, tents, or other means of overnight stay allowed.
 - 3) All parking must be contained on property.
 - 4) Applicant must obtain all proper licensing.
 - 5) All fires and embers to be extinguished by 11 p.m.; no unattended fires.
 - 6) Applicant must have 24-hour contact phone number available to public.
 - 7) Property to remain free from citations and charges for nuisance, disorderly conduct, or other illegal activity.
 - 8) Quiet hours to be imposed from 10 p.m. to 8 a.m.
 - 9) Property must remain in compliance with any changes to the Shoreland Zoning Ordinance.
 - 10) 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.
 - 11) Applicant to prohibit use of fireworks by renters.
 - 12) Applicant to prohibit renters from bringing pets onto the property.
 - 13) Property lines must be clearly delineated.
 - 14) Special exception permit will be automatically revoked upon sale of property.
 - 15) Applicant shall make above rules 1-13 available in writing to all renters and prospective renters.
 - o Roll call vote: Schmidt-no, Nehring-yes, Sollman-yes, Peterson-yes, Shirley-no. Motion carried.

Chair Sollman adjourned the meeting at 3:27 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary