

**POLK COUNTY BOARD OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING AND MEETING  
(Amended)**

**8:30am, Tuesday, August 28, 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)

**\*ORDER OF BUSINESS**

Call to order and roll call

\*Approve agenda with noted amendment

Approve minutes from July 31, 2012

Recess at 8:45am to view sites

Reconvene at 11:00am

\*Amendment Pursuant to Section 19.84(2): the Order of Business may be amended, after the Board of Adjustment finds that there is good cause for amending this notice, to consider and act on the following:

- Decision and Appeal of July 31, 2012 concerning the application of Susan Grothe for area variance to construct a garage (July 31, 2012 Determination): Conferring with Corporation Counsel on appeal filed in circuit court and reconsideration on determination.
  - Closed Session: Pursuant to Section 19.85(1)(c), the Board of Adjustments may convene in closed session to receive legal advice from Corporation Counsel considering strategy to be adopted by the Board with regards to the appeal of said decision pending in Polk County Circuit Court.

Following said closed session, the Board may reconvene in open session to discuss and to act upon any matter noticed on this meeting notice, including, but not limited to, taking action to adopt strategy discussed with Corporation Counsel in closed session concerning the pending litigation and taking action to reconsider the July 31, 2012 Determination on noted application for area variance.

The Board may act on matters noticed for open session upon adjourning from closed session and reconvening in open session.

Consider the following applications:

- KEVIN LINDUS requests a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to establish a tourist rooming house. Property affected is: 2006 Baker Rd, Lot 8, Oak Park, Section 22/T35N/R16W, town of Georgetown, Big Blake Lake (class 1).
  - Findings of Fact
  - Conclusions of Law
- MICHAEL THIELEN requests a variance to Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a deck less than 100' from the ordinary high water mark. Property affected is: 2591 64<sup>th</sup> St, Lot 13, CSM #1585, Sec 25/T36N/R16W, town of Bone Lake, Lamont Lake (class 3).
  - Findings of Fact
  - Conclusions of Law

Adjourn

**\*Amended/added 8/27/12**

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: August 28, 2012

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

Also Present: Gary Spanel, Lori Bodenner, Jeff Fuge

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

Chair Sollman affirmed that good cause existed to amend the agenda to include conferring with Corporation Counsel on an appeal filed in circuit court by recent applicant Susan Grothe. **Motion (Gillitzer/Sollman)** to approve the amended agenda with acknowledgement that reference to Section 19.85(1)(c) should have read Section 19.85(1)(g). Carried on voice vote.

**Motion (Nehring/Schmidt)** to approve minutes of 7/31/12 as written. Carried.

The board recessed at 9:10 a.m. for site visits:

- Lindus @ 9:07 a.m.
- Thielen @ 9:45 a.m.

The board reconvened at 11:08 a.m. to consider the following applications:

- KEVIN LINDUS requests a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to establish a tourist rooming house. Property affected is: 2006 Baker Rd, Lot 8, Oak Park, Section 22/T35N/R16W, town of Georgetown, Big Blake Lake (class 1).
  - Exhibits read into record.
  - Testimony / those sworn in: Kevin Lindus
  - **Motion (Gillitzer/Nehring)** to grant with conditions:
    - Accessory building must not have sleeping quarters.
    - 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 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 p.m. to 7 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:
      - Department of Natural Resources lake regulations to be included in rental information.
      - Lake association rules to be included in rental information.
      - Owner is responsible to state and local jurisdictions for compliance with firework regulations.
    - 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.
- Motion carried on unanimous voice vote.
- MICHAEL THIELEN requests a variance to Article 11C, Table 1 of the Polk County Shoreland Protection Zoning Ordinance to build a deck less than 100' from the ordinary high water mark. Property affected is: 2591 64th St, Lot 13, CSM #1585, Sec 25/T36N/R16W, town of Bone Lake, Lamont Lake (class 3).
  - Exhibits read into record.
  - Testimony / those sworn in: Michael Thielen, Deborah Thielen
  - **Motion (Peterson/Nehring)** to grant for 15' X 15' deck to side of dwelling.
  - **Motion (Gillitzer/Schmidt)** to amend by adding condition that a Land & Water Resources Department-approved rain garden be established between the house and the lake to catch runoff.
  - Amendment approved on voice vote.
  - Main motion carried on unanimous voice vote.

Corporation Counsel Jeff Fuge joined the Board to discuss the writ of certiorari filed in circuit court on behalf of recent applicant Susan Grothe. The Board agreed by consensus that Mr. Fuge be authorized to act on its behalf in this matter.

Chair Sollman adjourned the meeting at 1:10 p.m.

Respectfully Submitted,

Jeff Peterson, Secretary

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