

Members present: *Zachary Johnston, Scott Divine, Darryl Ince, Robert Peterson, Judy Swenson
Others present: Randy Shay, Marianne Shay, Peter Jordan, Chris Nelson, John Hall, Nick Walton, Jason Larson.

Meeting called to order by Chairman Zachary Johnston.

To consider and possibly act to approve Variance Application #159 Randy & Marianne Shay, 629 Park Drive, request for a variance to the setback. 300-7 Waterfront Development, (G) Height, Area and Setback. The request for a variance is a proposed deck addition.

Randy and Marianne Shay were in attendance. Randy Shay stated through applying for a building permit, Zoning Administrator Ben Campbell stated a variance would be required. At this time they are working to secure a contractor. Their request is to replace a non-conforming deck with a new deck along the backside of the dwelling. The current location of the deck is within the required 75' setback from the OHWM, as required by the ordinance. Based off the Polk County aerial, the new non-conforming deck would sit about 62' from the OHWM. The neighbor to the east has a 65' setback and the dwelling to the west on the same parcel has a setback of 20'. The Zoning Board of Appeals noted review of statements that were submitted for review from neighboring property owners stating no objections to the project. **Motion by Bob Peterson to approve Variance Application #159 Randy & Marianne Shay request to replace a non-conforming deck with a new deck along the backside of the dwelling that would sit an estimated 62' from the OHWM. Second by Judy Swenson. All in Favor. Carried.**

To consider and possibly act to approve Variance Application #160 Peter Jordan, Parcel 106-00423-006 Idlewild Street, request for a variance to 300-6 Village Residential. The request for a variance is to construct a garage.

Peter Jordan was in attendance. Peter Jordan stated, he would like to make the lot safer and better. He and his family are full-time residents and could use additional garage space. Peter Jordan stated, the structure would be used for storage and would not have village water/sewer or living quarters within said garage. Robert Peterson requested information if the property would need additional grading. Chris Nelson, who was also in attendance, stated that there would be minimal grading on the lot and no fill needed. The only light grading that would be done would be for erosion control, for the driveway and the foundation would be dug in. Chris Nelson also stated the landscape around the structure would be kept more natural. Chris Nelson stated, if the Zoning Board of Appeals wishes to put required water mitigation in their motion for approval the contractor would have no problem meeting their requests. Such items that were listed were infiltration pits, gutter system, natural landscaping, etc. It was noted there was no height for structure listed on the application. The contractor stated they did not add that to the application because they would not go above allowable height hence, they did not ask for a variance for such request. It was noted the contractor would be willing to amend their application during the meeting if the Zoning Board requested to add to the application. The contractor stated the setback for the Village are different from the county. Darryl Ince, stated in the application, applicants are required to stake out property lines and projects. The developer apologized as that was not completed. Darryl Ince stated the Zoning Board has questions regarding the definition of navigable water as the property does not need a definition of highwater mark of navigable water. The belief is that it is a wetland. The Zoning Board questioned what the setback from a wetland/water is. Darryl Ince asked if the lot can be developed because its considered an outlot on the original plot maps recorded with the state & county. The developer stated, that the Zoning Board of Appeals

should be focusing on the variance setback requests as the Planning Commission already made a recommendation to the Village Board to Approve their Planning Commission application addressing outlot development. **Motion by Darryl Ince to table Variance Application #160, Peter Jordan for the following: No height or dimension was listed on page two of said permit application, no input from Village Attorney or Zoning & Building Administrator, the property lines were not staked out, The project was not staked out where the 30'X30' proposed garage/accessory structure would be located along with the 16'X16' concrete outside covered storage space, no input from Public Works regarding moving said fire hydrant and utility line clearing, no certified map was submitted with application as required on the application. Second by Scott Divine. All in Favor. Carried.** The developer stated the Zoning Board is in uncharted water with their decision. The application is only asking for a 40' setback from the OHWM and a small setback from the road. It was noted by the Zoning Chair that the Village Attorney also recommended the application to be tabled. Peter Jordan stated his attorney submitted his statement, why didn't the Villages Attorney submit a statement in a timely manner. Peter Jordan stated his attorney would be coming after the Zoning Board of Appeals for not acting on said application. The developer stated, if the application was missing information, they should have been notified at the time the application was being processed and there should never have been a meeting. It was noted that the meeting was scheduled as requested by the applicant to expedite the process. The developer stated that they would amend the application again to add the building height and would drive out to stake out the location of where said structure was to be built if the Zoning Board wanted to reconvene that evening. The developer stated his disappointment with the way the Zoning Board of Appeals is conducting their meetings. The developer stated this has become a very political, backroom arm twisting, mall down stuff and its absolutely wrong. The developer stated again that the property owner is just requesting a variance for setbacks and that they would be willing to comply with any mitigation plan the Zoning Board would require. It was noted by the Zoning Board of Appeals that they would like to reconvene within the next week to further discuss said application once input to their questions are received. It was noted by the Zoning Board of Appeals that they wish to amend their motion; a point of order was made by the Village Clerk that the Zoning Board of Appeals would first have to take the original motion from the table, then rescind their main motion. No further action was taken.

Motion by Judy Swenson to adjourn. Second by Scott Divine. All in Favor. Carried.

Amy Wilson, Village Clerk-Treasurer