

The CLARK COUNTY BOARD OF ADJUSTMENT held a meeting and public hearing on June 13, 2017 at 9:00 AM in the Clark County Courthouse, County Board Room, Room 500, Neillsville, WI.

Board members present were: Chairman-Mark Shain, Larry Biddle, Sue Boehlke, Connie Opelt, and Dave Newman (Dave arrived at 9:10 AM).

Others present: Zoning Administrator-Brian Duell, County Surveyor-Wade Pettit, Administrative Assistant-Theresa Hediger, Attorney-Garrett Nix, Corporate Counsel-Jake Brunette, County Clerk-Chris Jensen, County Board Chairman-Wayne Hendrickson, Town of Mead-Dennis Humke, County Board Member-Jerome Krempasky, Sue Ludwig, George Hare, Richard Baierl, Ervin Somerville, and Brenda Jensen.

The meeting was called to order at 9:00 AM by Chairman Mark Shain.

Connie Opelt made a motion to approve the minutes of the March 10, 2015 meeting, second by Sue Boehlke. Voice vote, all aye, motion carried.

The Public Hearing was called into session at 9:05 AM by Chairman Mark Shain. Mark Shain read the public hearing notice into record.

Zoning Administrator read the Code of Ordinance Chapter 22-Land Use Article V. Shoreland/Wetland and summarized the revisions adopted in October 2016.

Zoning Administrator asked the Clark County Board of Adjustment if they wanted the WIDNR to review and submit written comments on this request or for future requests submitted to board. There was no written comment from WIDNR regarding this variance request but was not required by NR115. Connie Opelt made a motion to request written comment from WIDNR for future Board of Adjustment hearings, second by Larry Biddle. Voice vote, all aye, motion carried.

The proposed Mead Lake Improvement Plat #1, Town of Mead Public Hearing was called into session.

Zoning Administrator presented Committee with Exhibit 1 - variance application, Exhibit 2 - Proposed Mead Lake Preliminary Plat #1, Exhibit 3 - Staff Report and Exhibit 4 - photos compiled by the Planning and Zoning Department.

Corporate Counsel Jake Brunette presented his case for Clark County Public Property to the Board of Adjustment committee and discussed the history of Mead Lake, code or ordinance, assessor's plats, the preliminary plats showing the driveways, county land and town road access. Corporate Counsel gave reasons why the Board of Adjustment should allow the variance to Clark County Code of Ordinance, Chapter 22, Article V - Shoreland/Wetland, Division 3-Setbacks, Section 22-359 sideyard and aggregate setback distance.

Mark Shain asked for public comment. Discussion and questions were asked of committee, Zoning Administrator and Corporate Counsel from landowners, Attorney Garrett Nix, Wayne Hendrickson, and Town of Mead Chairman.

Mark Shain closed the Mead Lake Improvement Plat #1 at 10:30 AM and called for a recess and reconvened at 10:35 AM

The proposed Rock Dam Improvement Plat #1, Town of Foster Public Hearing was called into session at 10:40 AM by Chairman Mark Shain.

Zoning Administrator presented Committee with Exhibit 1 - variance application, Exhibit 2 - Rock Dam Preliminary Plat #1, Exhibit 3 - Staff Report and Exhibit 4 - photos compiled by the Planning and Zoning Department.

Corporate Counsel Jake Brunette presented his case for Clark County Public Property to the Board of Adjustment committee and discussed the history of Mead Lake, code or ordinance, assessor's plats, the preliminary plats showing the driveways, county land and town road access. Corporate Counsel gave reasons why the Board of Adjustment should allow the variance to Clark County Code of Ordinance, Chapter 22, Article V - Shoreland/Wetland, Division 3-Setbacks, Section 22-359 sideyard and aggregate setback distance.

Mark Shain asked for public comment. Zoning Administrator and Corporate Counsel answered questions from committee, landowners, and Attorney Garrett Niks.

A motion at 11:25 AM by Sue Boehlke and second by Dave Newman was made to go into closed session, per ss.19.85 (1) (a) and (g) for the purpose of:

- (a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.
- (b) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

Roll call vote taken, Dave Newman-yes, Mark Shain-yes, Connie Opelt-yes, Sue Boehlke-yes, Larry Biddle-yes. Motion carried.

A motion at 11:42 AM by Connie Opelt and second by Sue Boehlke was made to reconvene into open session. Roll call vote taken, Dave Newman-yes, Mark Shain-yes, Connie Opelt-yes, Sue Boehlke-yes, Larry Biddle-yes. Motion carried.

The committee deliberated the Mead Lake & Rock Dam variance requests. Mark Shain asked committee if the following three criteria were met: unnecessary hardship, physical property limitations, and not contrary to public interest.

A motion by Connie Opelt, seconded by Dave Newman to grant approval the Clark County variance request for the Mead Lake Preliminary Plat #1 as presented variance request to allow for the creation of a plat which has existing driveways or proposed future driveways, not meeting the required sideyard and aggregate setback per Clark County Code of Ordinance, Chapter 22, Article V - Shoreland/Wetland, Division 3-Setbacks, Section 22-359 Sideyard Setback distance. Voice vote, all aye, motion carried.

A motion by Sue Boehlke, seconded by Larry Biddle to grant approval the Clark County variance request for the Rock Dam Preliminary Plat #1 as

presented variance request to allow for the creation of a plat which has existing driveways or proposed future driveways, not meeting the required sideyard and aggregate setback per Clark County Code of Ordinance, Chapter 22, Article V - Shoreland/Wetland, Division 3-Setbacks, Section 22-359 Sideyard Setback distance. Voice vote, all aye, motion carried.

Motion by Connie Opelt, seconded by Sue Boehlke to adjourn. Meeting adjourned at 11:54 AM.

Theresa Hediger, Secretary