

Lincoln County Board of Adjustment
Minutes of Thursday, April 27, 2006 at 9:30 a.m.
Land Resource Center Meeting Room

1. Open meeting and Call to Order - Meeting was called to order at 9:30 a.m. in the Zoning Office. Members present: Lamer, Wendt, Jach-Richards, Gruetzmacher, & Alternate Pat Priebe (who was filling in for Steffenhagen), Alternate Ron Hornischer, Dan Miller; Zoning Administrator and Dan Bowers; Zoning Specialist.
2. The Board, Miller, and Bowers left to tour the sites of Public Hearings that would be held later in the morning.

Meeting was called to order by Chairman Lamer at 1:10 p.m. in the Land Resource Center Meeting Room at 1106 E. Eighth Street, Merrill, WI.

Members present for the public hearings: Lamer, Jach-Richards, Wendt, Priebe, Gruetzmacher, and Hornischer.

Visitors: Dan Miller, Kris Reichelt, Dan Bowers, Mary Heederik - Court Reporter and 7 others.

3. Approve minutes from March 29, 2006 meeting – Motion by Wendt, seconded by Jach-Richards to approve the minutes from March 29, 2006. Motion Carried 5 – 0.
4. Public Hearing – Testimony was taken on the item listed on the hearing notice. Following the hearing for the petition for variance there was Discussion, Deliberations, Findings of Fact, Conclusions and determinations.

Variance

1. James and Francine Brown for a variance from Section 17.4.10 of the Zoning Ordinance to allow for an addition of livable area to a home which is less than 63' to the centerline of Bay View Road. The property is located in part of Section 31, T35N, R06E in the Town of Bradley; also known as N10050 Bay View Road.

James Brown was present and was sworn in. They were proposing to construct a 24' x 24' split level with 4' in the ground and 4' above the ground along with a second floor. He said that he can move the addition back 4 feet so it would be even with the house, since there is enough room.

Dan Bowers was present and was sworn in. Bowers reviewed the staff report with the Board. He said that the department would like to see the buffer restored if the variance is granted. They also recommended that they reduce the road setback as proposed; except that the addition to the home be no closer to the road than what is existing.

Chairman Lamer closed the public hearing for James and Francine Brown.

The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

Motion by Gruetzmacher, seconded by Wendt to APPROVE ON CONDITIONS the request for James and Francine Brown. CONDITIONS: 1. To reduce the road setback as proposed; except that the addition to the home would be no closer to the road than what is existing. 2. The applicant submits a shoreland buffer restoration plan, to be approved by the Zoning Department which actively restores the buffer to full compliance. Motion carried all ayes.

2. Derek and Rachel Tassler for a variance from Section 17.4.10 of the Zoning Ordinance to allow for an addition of livable area to a home which is less than 110' to the centerline of Hwy 107. The property

is located in part of the SE ¼ of the NE ¼ Section 23, T34N, R06E in the Town of Bradley; also known as N8475 State Rd 107.

Derek Tassler was present and was sworn in. They would like to put on a second story and extend the house which would increase the livable living area. They wouldn't be any closer to the road than what the house currently sits. The attached garage would be removed and they would replace it with a detached garage.

Dan Bowers was present and acknowledged that he was still under oath. He reviewed the staff report with the Board. In order to comply with the ordinance they would have to move the house 110 feet from the centerline of the road in order from them to add an addition to the home. They recommended that the septic system be replaced and sized appropriately for the addition if the variance is granted.

Chairman Lamer closed the public hearing for Derek and Rachel Tassler.

The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

Motion by Wendt, seconded by Gruetzmacher to GRANT ON CONDITIONS the request of Derek and Rachel Tassler. CONDITIONS: The septic system be replaced and sized appropriately for the addition. Motion carried all ayes.

3. William and Kathleen Wulf and Hugh and Suzanne Creamer for a variance from Section 21.13(2)(a) of the Zoning Ordinance to allow for an addition of livable area to a home which is less than 40' to Tug Lake. The property is located in part of Section 35, T33N, R06E in the Town of Rock Falls; also known as N5116 Wulf Road.

William Wulf was present and was sworn in. They would like to construct a 16' x 25' addition on the west end of the cottage with 2 stories. The staff was recommending that they could put on the addition but not the second story. They felt that the second story was necessary to accommodate more people and to provide a washer & dryer area and a bathroom. Wulf indicated that the staff didn't address the entryway on the far west end of the home along with the 4' x 10' stoop. He said that is this is not a year round place but are planning for the future. This cottage was built in 1955.

Dan Miller was present and sworn in. Miller reviewed the staff report with the Board. He explained that the Board is only to offer minimum relief. He understands that there is a need for more space and the roof and existing bathroom is in need of repair but he felt that the 16' x 25' is a big addition for relief. The staff didn't have a problem with them constructing a second floor as long as it wasn't over 7 feet in ceiling height and it would be used for storage. The entryway and stoop is afforded in the ordinance and doesn't need to be addressed through the variance processes. The staff would like to see the shoreland buffer restored and the septic be replaced if the variance is granted. It was Miller's understanding that they would only construct a basement under the new addition only.

Priebe asked if the lot could be reconfigured since they do own property in the area? Wulf said that they are planning on splitting lot 12 between them and the neighboring property owner due to lot 11 having an encroachment on to their property with their garage. Part of lot 12 would be attached to lot 13. They were hoping to build 2 build homes on the remaining land in the future; one home on 2 lots and another on 3 lots.

Chairman Lamer closed the public hearing for William and Kathleen Wulf and Hugh and Suzanne Creamer.

The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

Motion by Jach-Richards, seconded by Gruetzmacher to GRANT ON CONDITIONS the request William and Kathleen Wulf and Suzanne Creamer. Absent a second story livable addition, predicated on the following conditions: 1. The retaining wall may be replaced to its present size and height using something other than creosote treated wood. 2. The patio slabs and sidewalk may be repaired/replaced to their current size. 3. The addition with dimensions of 16' x 25' may be constructed as long as the existing septic system is inspected by a licensed plumber and found to be in compliance with the code or replaced with a code compliant system if found deficient and the vegetative buffer be restored to the standards of chapter 21 of the Lincoln County Code. 4. The portion of lot 12 that would be east of the driveway and excluding the line by agreement with lot 11 would be incorporated into lot 13. Motion carried all ayes.

4. Rene and Sheryl Zedler for a variance from Section 21.07(4)(b) of the Zoning Ordinance to allow for the construction of a 14'x26' boathouse, 10' from the lot line, on a non-conforming lot of Lake Nokomis. The property is located in part of Section 4, T35N, R06E in the Town of Bradley; also known as N11813 West Rapel Road.

Sheryl Zedler was present and was sworn in. They would like to build a 14' x 26' boathouse that would be 10 feet from the lot line. She entered a copy of a use license from Wisconsin Valley Improvement Company allowing them to construct a boathouse. She also entered a list of reasons why they should be able to build the boathouse 10 feet from the south lot line. The biggest reason is safety issues because if the boathouse is built right in front of the deck then they wouldn't be able to see the shoreland. She said there would only be 12' between the deck and the boathouse.

Dan Miller acknowledged that he was still under oath. Miller reviewed the staff report with the Board. He explained the reason for the request. He said that boathouses are to be built within the view and access corridor. The Board should give minimum relief for a variance. Miller explained that a view and access corridor can not be constructed within 35 feet from the lot line unless that it approved through a variance. This would affect the neighboring lot which is only 75 feet wide and their ability to create a view and access corridor someday.

Chairman Lamer closed the public hearing for Rene and Sheryl Zedler.

The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

Motion by Wendt, seconded by Gruetzmacher to GRANT ON CONDITIONS the request of Rene and Sheryl Zedler. CONDITIONS: The boathouse can be built 10 feet from the lot line by following the ordinance standards for restoring the buffer. Motion Carried 3 – 2.

5. Adjourn - Motion by Jach-Richards, seconded by Priebe to adjourn at 2:05 p.m. Motion Carried 5 - 0.