

Lincoln County Board of Adjustment
Minutes of Thursday, May 25, 2006 at 9:00 a.m.
Land Resource Center Meeting Room

1. Open meeting and Call to Order - Meeting was called to order at 9:00 a.m. in the Zoning Office. Members present: Lamer, Wendt, Jach-Richards, Gruetzmacher, Steffenhagen, Alternate Pat Priebe, 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 1:00 p.m. in the Land Resource Center Meeting Room at 1106 E. Eighth Street, Merrill, WI.

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

Visitors: Dan Miller, June Winters, Dan Bowers, Pam Bright - Court Reporter and 3 others.

3. Approve minutes from April 27, 2006 meeting – Motion by Jach-Richards, seconded by Gruetzmacher to approve the minutes from April 27, 2006. Motion Carried 5 – 0.
4. Public Hearing – Testimony was taken on the item listed on the hearing notice. Following each hearing for the petition for variance there was Discussion, Deliberations, Findings of Fact, Conclusions and determinations.

Variance

1. Lewis Barbera for a variance from Section 17.4.10 of the Zoning Ordinance to allow for the construction of a garage which is less than 63' to the centerline of High View Road. The property is located in part of Section 12, T35N, R06E in the Town of Bradley; also known as W5240 High View Road.

Applicant was not present.

Dan Miller was present and was sworn in. He stated that he had communicated with Mr. Barbera's builder and the only location that makes sense is the location that is requested in the variance application. The location requested does not interfere with visibility from the road. Staff supports the request.

Chairman Lamer closed the public hearing for Lewis Barbera.

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

Motion by Jach, seconded by Gruetzmacher to APPROVE the request for Lewis Barbera. Motion carried 5 - 0

2. Rodney Mootz for a variance from Section 21.07(1) of the Zoning Ordinance to allow for a garage to be constructed less than 10 feet to the side lot line. The property is located in part of the NW ¼ of the NW ¼ Section 32, T32N, R06E in the Town of Merrill; also known as N2857 State Rd 107.

Rodney Mootz was present and was sworn in. Mr. Mootz stated that it is a small lot but per the staff's suggestions it would be very costly to move his existing septic system and he would have to cut down some trees. He stated that he had spoken to his neighbors and Mrs. Leindecker had no problem with his request. In fact the alternative would be more of an imposition to her. He wasn't sure how the Brahos' felt. He stated that he has not had problems with the existing septic system.

Chairman Lamer entered a letter into testimony in opposition to the request from Christine & George Brahos. He also read into testimony a letter from the Town of Merrill with no opposition to the request.

Dan Miller acknowledged that he was still under oath. Miller stated that they agreed that the lot is small and he shares a driveway with Leindecker. He stated that the Wisconsin Department of Commerce has rules as far as setbacks from a building to the drywell. He would be encroaching on that setback. Lincoln County does not have the authority to grant variances for the Department of Commerce and he felt that they would look closely at the existing system and likely not grant the variance. He feels that there is enough room on the property by relocating the septic system so there is a legal alternative. Therefore he did not support the request. Gruetzmacher asked if by cutting some trees down to move it to a different location would he still have to replace the drywell. Miller stated that if he moved it to meet the lot line setback and the setback to the drywell we wouldn't pursue the issue.

Chairman Lamer closed the public hearing for Rodney Mootz.

Wendt asked if the septic needs to be inspected for building only a garage. Miller said that if he would not meet the setback from the septic it would require a variance from the Department of Commerce and that would require an evaluation. Mootz explained that he could move the location a little.

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

Motion by Gruetzmacher, seconded by Wendt to DENY the request for Rodney Mootz. REASON: Legal alternatives exist to what has been proposed and as such an unnecessary hardship case cannot be made. Motion carried 5 - 0

3. Nick and Barb Bagles for a variance from Section 21.13(2)(b)(4) of the Zoning Ordinance to allow for an addition to a home which is less than 75' to Deer Lake and exceeds 1,500 square feet of livable area. The property is located in part of Section 2, T35N, R06E in the Town of Bradley; also known as W5383 Selmer Road.

Nick Bagles was present and was sworn in. Mr. Bagles further explained issues other than what he had written on the request such as the existing size of the structure, health problems and age and condition of the current structures as the reason for the request.

Dan Bowers was present and was sworn in. He explained the necessity for the variance being the restriction of the 1500 sq. ft. maximum. He stated that trees were taken out by the previous owner and they wanted that restored. Jach-Richards asked the process for the Buffer Restoration Plan and Bowers explained that.

Chairman Lamer closed the public hearing for Nick and Barbara Bagles.

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

Motion by Steffenhagen, seconded by Jach-Richards to APPROVE ON CONDITIONS the request for Nick and Barbara Bagles. CONDITIONS: 1. All new additions meet the prescribed setbacks. 2. The variance applies only to what is proposed within this application. 3. The applicant submits a shoreland buffer restoration plan, to be approved by the Zoning Department, and records an affidavit preserving the buffer. Motion carried 5 - 0

5. Adjourn - Motion by Gruetzmacher, seconded by Steffenhagen to adjourn at 1:30 p.m. Motion Carried 5 - 0.