

**Lincoln County Board of Adjustment  
Minutes of Thursday, June 25, 2009 at 8:15 a.m.  
Lincoln County Service Center, Meeting room #107**

1. Open meeting and Call to Order – Meeting was called to order at 8:15 a.m. in the Zoning Office. Members present: Lamer, Jach-Richards, Steffenhagen, Hornischer, Schmidt & Alternate Adams. Also present was: Dan Miller; Zoning Administrator & June Winters; Program Assistant. Alternate Brixius will meet the rest of the Board at the site.
2. Tour the site for the Public Hearing that would be held at 9:00 a.m. – The Board and Miller left to tour the site.

Members present for the public hearing: Lamer, Jach-Richards, Steffenhagen, Hornischer, Schmidt & Alternates Brixius and Adams. Visitors: Dan Miller; Zoning Administrator, June Winters; Program Assistant and 2 others.

3. Approve minutes from May 28, 2009 meeting - Motion by Hornischer, seconded by Steffenhagen to approve the minutes from May 28, 2009. Motion carried all ayes.
4. Public Hearing – The public hearing was opened for the request listed below.

**Variance**

1. A request by James and Mary Parratta from Section 17.3.09(16) of Lincoln County Ordinances to allow for the placement of an outdoor wood furnace on a lot which is less than 5 acres. The property is located in the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 30, T32N, R07E in the Town of Merrill; having a tax parcel number of 14.303207.012.003.00.00.

James Parratta was present and sworn in. Hornischer confirmed with Parratta that the home is currently using electric heat. Parratta said that it was electric and stated that he is retired and the electric heat has been extremely expensive and that a woodstove in the home was being utilized to cut down on the cost but his wife has breathing problems. Hornischer asked if the outdoor wood furnace would be used as the primary source of heat and Parratta stated that it was. Parratta explained the minimal interior work that he needs to do to convert to the outdoor wood furnace. Jach-Richards had concerns about the storage of wood and ash removal. Parratta explained his wood supply and how he intended to dispose of the ash. Jach-Richards also had concerns about future development in the area that being so close to the highway may be an issue with the smoke. She feels that propane would be more beneficial if the issue was health concerns. Parratta stated that propane was also more expensive.

Dan Miller, Zoning Administrator for Lincoln County, was present and sworn in. He reviewed the staff report. He stated that his biggest concern is smoke affecting adjoining dwellings. He said that Parratta is currently just about 500 feet from the closest dwelling. He was concerned that if Parratta sold the property to the south potentially there may be a dwelling built within 500 feet. He reviewed the conditions that Zoning staff was recommending. He reviewed the positive and negative impacts of the request. Jach-Richards asked if a Variance goes with the property or the person and Miller stated that it would go with the property. Hornischer asked for clarification on the ordinance as far as the conflict between parcel size and the restrictions in the code. Miller explained that this is an existing parcel that is substandard to the current required parcel size. Jach-Richards asked for clarification on the hardship in this case. Miller explained that in this case, the

RR5 Zoning designation is consistent with the request but the size of the parcel is the hardship; it was platted in 1978. Hornischer asked if there have been any concerns from adjoining neighbors. Miller said there has been nothing submitted to the Zoning office.

Bill Burgener, Chairman of the Town of Merrill, was present and sworn in. He stated that the Town of Merrill has no problem with the outcome of this either way. He went on to state that personally, because he is involved in the insurance business, he feels that that they are an unsafe means of heating a home.

Chairman Lamer closed the public hearing for James Parratta. The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

Motion by Hornischer, seconded by Schmidt to APPROVE ON CONDITION the variance request with the recommended conditions as listed on the Zoning staff report.

CONDITIONS:

- 1) The applicant must combine the two parcels and make them a single parcel so as to avoid the sale and development of the southern parcel.
- 2) The stack height of the boiler must be raised to comply with 17.3.09(16)(d) of the zoning regulations immediately when the system is installed so as to avoid future problems should people build on the vacant parcel located west of the applicants' property.

Motion carried 3-2 with Steffenhagen & Jach-Richards voting nay.

5. Adjourn – Motion by Steffenhagen, seconded by Jach-Richards to adjourn at 9:24 a.m. Motion carried all ayes.