

**Lincoln County Board of Adjustment  
Minutes of Thursday June 28, 2007 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, Steffenhagen, Jach-Richards, Priebe, Hornischer and Dan Bowers; Zoning Specialist.

2. The Board & Bowers left to tour the sites for the Public Hearings that would be held later in the day.

The Board recessed for lunch at approximately noon at 3's Company in Merrill.

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, Jach-Richards, Steffenhagen, Priebe and Hornischer. Visitors: Dan Miller, Dan Bowers, June Winters; Program Assistant, Ray Kraemer; Court Reporter and 6 others.

3. Approve minutes from April 27, 2007 meeting – Motion by Steffenhagen, seconded by Jach-Richards to approve the minutes from April 27, 2007. Motion carried all ayes.
4. Public Hearing – The public hearing was opened for the requests listed below.

**Variance**

1. Peter and Shelly Mondeik for a variance from Section 21.13(2)(b)(4) of Lincoln County Ordinances to allow for a home which is setback less than 75 feet to an unnamed creek to be expanded beyond 1500 sq. ft. of livable area. The property is located in part of Section 4, T32N, R08E in the Town of Schley; having a tax parcel number of 22.043208.010.003.00.00 and an address of N4618 Town Hall Road.

Peter Mondeik was present and sworn in. He explained their request for the committee.

Dan Bowers was present and sworn in. He reviewed the staff report and clarified the location of the 2 navigable creeks, where setbacks fell and floodplain boundaries. He stated that, although not required by ordinance, the department is recommending vegetative buffer restoration if the request is granted.

Priebe asked for clarification on how much “new” livable area there would be over what he has now. Bowers clarified that.

Earl Welker from the Town of Schley was present and sworn in. He represented the Schley Plan Commission and shared the approval details with the Board. They would like to see this project move forward. He commented on the vegetative buffer restoration requirement that Bowers has recommended and stated that the Town of Schley did not agree that requiring restoration of the buffer was necessary.

Chairman Lamer closed the public hearing for Peter and Shelly Mondeik.

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

Bowers clarified his request of the restoration of the buffer and what restoration would be recommended. He would focus on restoration between Big Hay Meadow Creek and the home and

it could be accomplished by just not mowing the buffer area except for the allowable viewing corridor. Priebe recommended that because he has so much area that is currently not disturbed along the water ways that they just be restricted to the no expansion of the current mowed area but no restoration required.

Motion by Steffenhagen, seconded by Jach-Richards, to APPROVE ON CONDITION.  
CONDITION: There will be no expansion of the area within the buffer that is currently being mowed. Motion carried all ayes.

2. Patrick Wagner Trust for a variance from Section 21.13(2)(b)(4) of Lincoln County Ordinances to allow for a home which is setback less than 75' to the Somo River to be expanded beyond 1500 sq. ft. of livable area. The property is located in part of Section 25, T35N, R05E in the Town of Wilson; having a tax parcel number of 32.253505.016.001.00.00 and an address of N7420 Wagner Rd.

Janell Morehead, one of the sibling owners of the property, was present and sworn in. She gave the history of the property and explained their request stating that their family has always been good stewards of the land and those values continue with their next generation. She also commented on the Staff report done by the Zoning Office arguing the livable area calculations.

Priebe asked Ms. Morehead if this request is denied how it would be unnecessarily burdensome. She stated with multiple families they need the room now and as they age and may need handicap access they would need the additional room so she considers it burdensome. Hornischer asked if they could reconfigure their floor plans would it not suit their purposes. Ms. Morehead said because of a staircase they could not reconfigure the plan. Priebe asked if there would be a second story. Morehead stated that there would be a loft upstairs. He asked if that is figured into the livable area. Morehead said that it is not livable area as the ceiling is not 7 foot. There was discussion on the number of bedrooms.

Bill Morehead was present and sworn in. He clarified the loft area and what would be increased.

Dan Miller was present and sworn in. He reviewed the staff report and explained how he came to the calculations of the livable area. He said that now that they have removed part of the home the legal alternative of moving the home to a compliant location may be even more feasible. He discussed the handicap accessibility issue. He commended the family on their stewardship efforts. He recommends that if the request is granted that there be conditions placed on the request regarding the buffer and runoff issues but he did not feel the request passed the hardship standard.

Hornischer asked Miller to clarify the definition of "livable area". Miller did so.

Priebe asked if they could just go "up" and not "out". Miller stated that going "up" would still add "livable area", and that square footage would figure in the 1500 sq. ft. maximum.

Ms. Morehead came back to the podium and responded to the issue of "moving" the structure and how impractical cost wise it would be and would destroy the hand built fireplace which has great sentimental value. Regarding the going "up" option, she doesn't see it as an option because they need the additional usable area on the main floor.

Dan Bowers was present and acknowledged being sworn in. He discussed the livable area issues and corrected a statement that he had made at the onsite. Hornischer asked for clarification on the drawing as far as dimensions. Morehead argued that the term "livable area" definition was debatable and should just include rooms not walls and insulation. Priebe commented that the

“livable area” matters greatly maybe to the assessor but the use of area technically not qualifying as “livable area” is still utilized by the occupants.

Chairman Lamer closed the public hearing for Patrick Wagner Trust.

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

Motion by Priebe, seconded by Jach-Richards, to LAYOVER the request for the owners to explore more options. After lengthy discussion by the Board Priebe withdrew his motion.

Motion by Jach-Richards, seconded by Hornischer, to APPROVE ON CONDITION.  
CONDITIONS:

- 1) The 4 foot addition is allowed as a one time expansion to the structure.
- 2) The runoff from the entire roof surface is directed to an infiltration basin or a rain garden.
- 3) Portions of the lower terrace by the dock are vegetated with trees and shrubs to comply with the 30 foot maximum width dimension for view and access corridors, as approved by the Zoning Department.
- 4) These conditions will be incorporated into a deed affidavit and recorded to serve as notice for future owners of their obligation to maintain them.

Motion carried 4-1 with Priebe voting nay.

5. Adjourn - Motion by Steffenhagen, seconded by Jach-Richards to adjourn at 2:05 p.m. Motion carried all ayes.