

Lincoln County Board of Adjustment
Minutes of Thursday, September 28, 2006 at 8:30 a.m.
Land Resource Center Meeting Room

1. Open meeting and Call to Order - Meeting was called to order at 8:30 a.m. in the Zoning Office. Members present: Lamer, Wendt, Jach-Richards, Priebe, Hornischer, and Dan Miller; Zoning Administrator and Dan Bowers; Zoning Specialist. Steffenhagen was absent.
2. The Board, Miller and Bowers left to tour the sites of Public Hearings that would be held later in the day.

Meeting was called to order by Chairman Lamer at 10:30 a.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, Priebe and Hornischer. Steffenhagen was absent.

Visitors: Dan Miller, Dan Bowers, June Winters; Program Assistant, Raymond Kraemer; Court Reporter and 2 others.

3. Approve minutes from August 24, 2006 meeting – Motion by Jach-Richards, seconded by Wendt to approve the minutes from August 24, 2006. Motion carried all ayes.
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. William Alesauskas for a variance from Section 21.07(1) and Section 17.2.101 of Lincoln County Ordinances to allow for a lot width of less than 150' on Lake Alice to allow for a home. The property is located in part of the Section 29, T35N, R07E in the Town of King; having a tax parcel number of 12.293507.014.005.00.00 and address of W4211 Sandy Lane.

William Alesauskas was present and sworn in. He gave a history of the parcel and explained the problems that were created because of the existing home being built by a previous owner. Hornischer asked for clarification on how he came to purchase the property. Priebe asked if he was made aware of the problems with the parcel when he acquired the property. Alesauskas stated that he was not aware of it until approximately 3 months ago.

Dan Miller was present and was sworn in. He reviewed the staff report on the request. He gave the zoning history of the parcel. He stated that the manner in which the previous owner built the home created the now self imposed hardship on the parcel because he had built over the lot line knowingly but the parcels were “combined” so it didn’t matter at the time. He stated that Alesauskus tried to remedy the problem by acquiring land from an adjoining land owner but was not successful. He recommended that if the variance is granted that the condition be imposed that any structure built on the lot be built on the part of the lot that meets the 150’ width requirement meeting the required setbacks from the lake. There was discussion from the committee.

Jerry Inman was present and sworn in to support the Alesauskas request. He referenced a map that had been included in the packets. He discussed how the legal description read and how there could have been confusion regarding whether the lots could still be sold independently. He also presented the Board with a new map showing what part of lot 3 would become non-conforming (less than 150’ wide). The map indicated that lot 1 of that

same CSM was non-conforming because most of the lot is <150' wide from the beginning so that the change in lot 3 would not be any different. He stated that he has done some research in the Register of Deeds office and provided examples of other plats and CSMs that contain lots that do not maintain the required 150' width. He feels that the precedence is there that make this variance a reasonable request.

Hornischer & Priebe both asked questions of Inman to clarify issues. Inman stated that the spirit of the ordinance may have been followed but not the letter of the ordinance. But he felt that these examples that he has given set precedence.

Miller spoke again and stated that the ordinance that was in effect when some of the lot examples that Inman presented were created may have created some of these issues but under the current code, which was adopted in December of 2004, adhering to the definition of "Lot Width" should prevent these problems and that is what he is basing his argument upon.

Priebe asked if the variance were granted would Zoning require that a new CSM be recorded and Miller stated that we would like that as a condition if approved.

Inman spoke again and stated that the line by agreement should be an option.

Chairman Lamer closed the public hearing for William Alesauskas.

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

Motion by Priebe, seconded by Hornischer to APPROVE ON CONDITION.
CONDITION: New CSM be recorded for lots affected.

Motion carried 4-1. With Jach-Richards voting nay.

5. Adjourn - Motion by Jach-Richards, seconded by Wendt to adjourn at 11:16 a.m. Motion carried all ayes.