

**Lincoln County Board of Adjustment
Minutes of Thursday, January 21, 2010 at 8:30 a.m.
Lincoln County Service Center, Meeting room #156**

1. Open meeting and Call to Order – Meeting was called to order at 8:30 a.m. in the Zoning Office. Members present: Lamer, Jach-Richards, Hornischer, Steffenhagen, Schmidt & Alternate Brixius. Also present was: Dan Bowers; Zoning Specialist & June Winters; Program Assistant. Alternate Adams was excused.
2. Tour the site for the Public Hearing that would be held at 10:00 a.m. – The Board and Bowers left to tour the site that is the subject of the public hearing.

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

3. Approve minutes from November 19, 2009 meeting - Motion by Hornischer, seconded by Jach-Richards to approve the minutes from November 19, 2009. Motion carried all ayes.
4. Public Hearing – The public hearing was opened for the request listed below.

Variance

1. A request by Jimrick LLC from Section 21.14 (1)(a) of Lincoln County Ordinances to allow for the rebuilding of an existing home within the same footprint at less than a 75 foot setback to Lake Buteau that is less than 10,000 square feet in size. The property is located in Section 10, T34N, R08E in the Town of Harrison; having an address of N8983 County Road B.

Rick Hargrave, the applicant was present and sworn in. Randy Frokjer was also present representing Rick Hargrave in this request. Mr. Frokjer was sworn in. He explained the request and the history of the property to the Board. Frokjer stated that Mr. Hargrave had previously obtained permits but getting into the project the repair was more extensive than originally expected. Frokjer said that Mr. Hargrave was willing to replace the existing septic with a Holding Tank and also agreeable to restoring the buffer. Mr. Frokjer has just spoken to Dan Miller regarding the boathouse issue commented on by the DNR and stated that Mr. Hargrave is not opposed to putting a pitched roof on the existing boathouse. Frokjer believes that the new structure is very much an improvement appearance wise. Hornischer agreed that the appearance would definitely improve over the existing structure. He wondered why Mr. Hargrave didn't return to zoning after they got into the project. Frokjer said that Mr. Hargrave thought he was still within the permit he had obtained, wasn't increasing the livable area, and thought he was still alright. In hindsight he probably should have contacted the Zoning office again although referencing the previously issued permit the terminology on the permit was up to interpretation. Frokjer stated that Mr. Hargrave is more than willing to work out a compromise. There was discussion on whether the basement would be livable area. Frokjer explained that he isn't increasing the livable area. Jach-Richards and Hornischer asked for clarification on livable area.

Dan Bowers was present and sworn in. He said that this situation does come up frequently when repairs turn into rebuilds after the project gets started. He explained livable area for the Board. The area would have to be >7 ft. in height with 2 legal ways of ingress/egress in order to meet the definition of livable area. He doesn't feel that livable area is really the issue. The fact that the lot size is substandard is the need for a variance. He reviewed the staff report for the Board and the conditions that staff was recommending. Schmidt asked if the DNR weighs in on every request. Bowers stated that they are always notified but they don't always attend the hearing or submit an

opinion. Bowers said that the staff is recommending approval with conditions. Hornischer questioned if staff would recommend removal of the boathouse or just bringing it more into compliance. He is unsure of the square footage of the boathouse but it does not have the required pitched roof. Hornischer asked if putting the pitched roof would be a good idea. Bowers wasn't sure if it would make it better or worse. He said that the pitched roof would increase the height of the structure and may make it stand out more on the shoreline and, in his opinion, may not be an improvement. Hornischer asked if staff would go along with changing the pitch of the roof. Bowers said that he could repair the boathouse with the proper permit. Bowers discussed the mitigation that will be required if the request is granted.

Jach-Richards asked what would happen if the request is denied. Bowers stated that Hargrave would have to tear down the structure as the lots, because of the size, are not buildable under the ordinance without a variance. Bowers suggested that the Board get clarification from Hargrave on his intentions regarding the existing deck citing that under our ordinance he is allowed 40 sq. foot for a landing for an exit/entry. He also added that the applicant had agreed to replace the existing septic.

Chairman Lamer read into the record the comments from a letter submitted by Thomas Blake, Wisconsin DNR, suggesting that the non-compliant boathouse structure be removed as a condition if the Variance is granted.

Hornischer asked for clarification from Hargrave regarding the deck removal. He is willing to remove the deck except for the allowed 40 sq. ft. He will have a survey done combining the 3 lots and understands that he needs to restore the buffer.

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

Motion made by Hornischer, seconded by Schmidt to APPROVE ON CONDITION the variance request. CONDIITONS:

- 1) A certified survey map be recorded which combines all 3 substandard lots into one.
- 2) A 40 square foot maximum landing will be allowed at entry points to the home.
- 3) A compliant septic system shall be installed.
- 4) All other aspects of the ordinance shall be met.
- 5) The existing deck shall be removed.

Motion carried all ayes.

5. Adjourn – Motion made by Steffenhagen, seconded by Hornischer to adjourn at 10:35 a.m. Motion carried all ayes.