

**Lincoln County Board of Adjustment
Minutes of Thursday, October 25, 2007 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, Jach-Richards, Priebe, Hornischer, Schmidt & Dan Bowers; Zoning Specialist. Steffenhagen was absent. Brixius was absent for the tours but present for the public hearing.
2. The Board and Bowers left to tour the site for the Public Hearing that would be held at 10:30 a.m.

Meeting was called to order by Chairman Lamer at 10:30 a.m. in the Land Resource Center meeting room at 1106 E. Eighth St, Merrill, WI 54452.

Members present for the public hearing: Lamer, Jach-Richards, Priebe, Hornischer, Schmidt and Brixius (Alternate) (Alternate will be present for discussion but will not be voting). Visitors: Dan Bowers; Zoning Specialist, June Winters; Program Assistant, Mary Heedrick; Court reporter and 3 others. Steffenhagen was absent.

3. Approve minutes from September 27, 2007 meeting - Motion by Jach-Richards, seconded by Schmidt to approve the minutes from September 27, 2007. Motion carried 5-0.
4. Public Hearing – The public hearing was opened for the request listed below.

Variance

1. William and Charmaine Storm for an after the fact variance from Sections 17.2.101 of Lincoln County Ordinances to allow for a deck less than 10' to an adjacent lot line. The property is located in part of Section 21, T35N, R05E in the Town of Wilson; having a tax parcel number of 32.213505.001.008.00.00 and an address of W8572 Point Drive.

William Storm was present and sworn in. He gave the history of the property and stated that the deck was built in 2002. Lamer asked if they were sure where the lot line was at the time they built the deck. Storm stated that they weren't positive where it was. Hornischer asked Storm if at the time they got permits and built the deck, was he under the assumption that they were building in the right location with regards to the required setbacks? Storm said that he was. They didn't mean to go against the ordinance and didn't realize that they were encroaching on the setback at the time. Lamer had questions about the public beach. Storm said that Bob McGinnis would have to explain that. Storm just asked that they be allowed to keep the deck as otherwise they would not have a deck. Schmidt commented on another structure that appears to be non-conforming. He commented that by the looks of it there are other structures that were built encroaching in the setbacks to the lot lines. Priebe asked if there was an actual survey on the area. There was not one available.

Robert McGinnis was present and sworn in. He stated that although he was the one who made the original complaint that the deck was too close to the lot line he does not wish to make Mr. Storm remove his deck. He just wanted to establish with certainty where the lot line actually is to avoid future problems. Hornischer asked McGinnis to clarify his stand on the variance request. McGinnis said that he has no objection to the deck being there but just wants to make sure that people go through the proper steps to avoid future problems. He said that there are other old structures and fire pits that encroach upon his land and he has no desire to see them removed at this time but he does not want to lose any property either.

Priebe again asked about the surveys. McGinnis said that the original one was done by Lester Schmidt and then Lincoln Land Surveyors had just located some iron pipes and verified the line. Priebe doesn't think that the survey work that has been done actually clears up the issues. Lamer asked McGinnis if he owned the beach property and who had the right to use the beach. McGinnis said that he does own it but said that all of the lot owners involved have wording recorded on their deed saying that they have use of the beach. Jach asked McGinnis if the rest of the owners were aware of the problems. McGinnis said that he was writing them all letters to make them aware of any issues.

Dan Bowers was present and sworn in. He reviewed the staff report and went through the points that should be taken into consideration. He commented on the other non-conforming structures and stated that if they have been in place longer than 10 years we can not make them remove them. Hornischer asked if Mr. McGinnis would have originally said that he wasn't giving this information to make the Storm's remove the structure but just for information would we have required the variance. Bowers said that a complaint was filed by Mr. McGinnis and when a complaint is filed we take the appropriate steps to follow up. Hornischer asked if all of the other non-conforming structures were older than 10 years would this be the only variance request. Bowers said that he wasn't aware of anything that was built in violation that is less than 10 years old so this may be the only one that needs to be cleaned up with a variance.

Chairman Lamer read into the record a letter of support from Dan Kroggel who is an adjoining land owner. Chairman Lamer closed the public hearing for the Storm variance request.

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

Motion by Hornischer, seconded by Schmidt to APPROVE the variance request.

Motion carried 5-0.

5. Adjourn – Motion by Priebe, seconded by Jach-Richards to adjourn at 11:05 a.m. Motion carried all ayes.