

Lincoln County Board of Adjustment
Minutes of Thursday, October 26, 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, Steffenhagen, Priebe, Hornischer (alternate), and Dan Miller; Zoning Administrator and Dan Bowers; Zoning Specialist.
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, Steffenhagen, Priebe and Hornischer (alternate).

Visitors: Dan Miller, Dan Bowers, June Winters; Program Assistant, Mary Heedrick; Court Reporter and 11 others.

3. Approve minutes from September 28, 2006 meeting – Motion by Wendt, seconded by Priebe to approve the minutes from September 28, 2006. Motion carried all ayes.
4. Public Hearing – Testimony was taken on the items 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. Frank Duginski for a variance from Section 21.07(1) of Lincoln County Ordinances to allow for a setback of less than 75' to Barnes Creek for a cabin, shed, and outhouse. The property is located in part of Section 04, T31N, R07E in the Town of Pine River; having a tax parcel number of 16.043107.006.002.00.00 and an address of N2526 Hwy 17.

Frank Duginski was present and sworn in. He explained the history of the property. He stated that the structures were never meant to be permanent but he would like to leave the structures. He stated that the contractors that helped him a year ago said that because they are on skids they would not require permits. Jach-Richards asked Duginski if he was aware that he could not have structures close to the water. He said he was not.

Bill Zeitz was present and sworn in. He was present as the Pine River representative in support of Mr. Duginski's request. He stated that the Town of Pine River thinks that the county's regulations are too restrictive and cumbersome on the people. The Town of Pine River Plan Commission met 10/25/06 and voted 5-0 to approve Duginski's request. Condition – structure be used only seasonally. No additional buildings. Town Board has not met yet but they will be meeting on Nov. 7th and will discuss it then. He stated that if he was required to move the structures he would lose his privacy if he had to move it up on top of the hill. Pine River likes to see people being able to use their property.

Dan Bowers was present and sworn in. He explained the view of Lincoln County Zoning on this request and the state mandated requirements. He stated had Mr. Duginski applied for a permit before he built the structure it would certainly have been denied in its present location. The cabin is 39 feet from the water with the other 2 structures being closer. Jach-Richard asked if the structure was moved back to 75 feet could he then "dig out" the hillside to give the structure the privacy that it has now. He said that it would take a lot of earth moving and may require an Earth Moving Permit but it could be done.

Amy Heimerl was present and sworn. She is an adjoining land owner. She supports the request stating that Mr. Duginski is very conscientious and environmentally responsible. She understands that he should have asked for permits but thinks he should be granted the variance.

Earl Schmidt was present and sworn in. He testified in support of the request. He is also an adjoining land owner. He doesn't see where the structures as located are going to be a problem and we should be allowed to use and enjoy our own land.

Chairman Lamer closed the public hearing for Frank Duginski.

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

Motion by Steffenhagen, seconded by Wendt, to APPROVE ON CONDITION. CONDITIONS: What is there is left as is, no additional structures and no further digging. Motion carried all ayes.

2. Helen Brandt for a variance from Section 21.07(1) of Lincoln County Ordinances to allow for a setback of less than 75' to Lake Pesabic for a sunroom. The property is located in part of Section 36, T32N, R06E in the Town of Merrill; having a tax parcel number of 14.363206.019.000.26.00 and an address of N2609 East Shore Drive.

Helen Brandt was present and sworn in. She explained the request stating that it is more of a windbreak than a "sunroom". She referenced a letter of support submitted by a neighbor. Jach-Richards stated that the Board has received that letter.

Bill Burgener was present and sworn in. He presented the Town of Merrill's support of Mrs. Brandt's request. Chairman Lamer read the Township approval stating a 2 - 0 approval.

David Campbell was present and sworn in. He is the contractor and was present in support of the request. He said that it will blend in with the house and would benefit the house as a windbreak.

Dan Miller was present and was sworn in. He reviewed the staff report on the request. He doesn't feel that this request is supported by the criteria required to approve a variance. Jach-Richards asked Miller if he had discussed options as far as placement of this addition. Priebe asked the contractor how the roof was going to be pitched for run off. He stated that they could gable it to run both sideways instead of pitched to the lake. Miller asked that if the Board was inclined to grant the Variance, as that was the direction that the discussion was leading, that some type of mitigation be required to minimize the impact.

Chairman Lamer closed the public hearing for Helen Brandt. Lamer acknowledged a letter from a neighbor in support of Mrs. Brandt's request.

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

Motion by Jach-Richards, to DENY the request. No second. .

Motion by Priebe, Seconded by Wendt to APPROVE ON CONDITION: CONDITION: For mitigation that rain gutters and a rain garden be constructed to accept run off. Motion carried 4-1 with Jach Richards voting nay.

5. Adjourn - Motion by Steffenhagen, seconded by Wendt to adjourn at 11:10 a.m. Motion carried all ayes.