

**Lincoln County Board of Adjustment  
Minutes of Thursday, November 15, 2012 at 9:00a.m.  
Lincoln County Service Center, Meeting room #156**

1. Open meeting and Call to Order – Meeting was called to order at 9:00 a.m. Members present: Lamer, Hornischer, Adams, Brixius & Prain. Also present were Diane Hanson; Land Services Administrator, Dan Bowers; Zoning Specialist and June Winters; Program Assistant. Steffenhagen & Rausch were excused.
2. Approve minutes from the June 28, 2012 meeting - Motion by Adams, seconded by Prain to approve the minutes from June 28, 2012 meeting. Motion carried all ayes.
3. “Old Business” – A request by Rick Tjugum for a variance from section 21.07(5) of Lincoln County Ordinances to allow for a patio greater than 200 square feet in area and closer than 35 feet to Lake Nokomis 0 Town of Bradley (laid over from 8/25/11, 9/22/11 & 10/27/11) – The Board discussed it and agreed to take new testimony. The applicant was not present.

Dan Bowers, Zoning Specialist was present and sworn in. He reviewed the history & request for the Board and shared updated information. This request was laid over late last year to allow the landowner to work with Wisconsin Valley Improvement Co. (WVIC) to resolve the issues. In an October 24, 2012 letter WVIC reiterated their position on not supporting a variance for structures within the 30’ strip and gave the Tjugums deadlines to remove the retaining wall, stairs & patio or WVIC would exercise their right to remove all structures from the 30 foot strip. Bowers is recommending denying the variance request for retaining walls, walkway >than 4’ & patio within the setback.

Bowers told the Board that we did receive a communication (e-mail) from Keith Ellison, the Tjugum’s lawyer, this morning and he read the letter into the record. They are requesting a continuance of this matter. Ellison also attached a copy of a permit that was provided to WVIC and photos.

After reading the letter aloud Bowers then shared the correspondence with the Board for review. Hornischer had issues with the fact that this has been an ongoing issue for over a year. There was discussion on what portions the Board may act on that is outside of WVIC jurisdiction. Prain questioned removal of the retaining wall and the possible erosion issues. Discussion followed.

Lamer read into record a letter dated 11/14/12 from Thomas Blake, WDNR, reiterating their opposition to the request.

Chairman Lamer closed the discussion for the Tjugum “Old Business” and the Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

Motion by Adams, seconded by Prain to DENY the variance request. Motion carried all ayes.

4. Request for rehearing of a previous decision denying a variance to allow a patio less than 75’ to Lake Alexander – Margaret Schulz Family Trust – Town of Harding - Hanson shared with the Board that Steve Schulz has made a request to rehear his variance request. There was discussion by the Board.

Motion by Brixius, seconded by Hornischer to allow the applicant to re-apply for the request. Motion carried unanimously.

5. Approve 2013 meeting schedule – Schedule was accepted as proposed.
6. Adjourn – Motion by Adams, seconded by Brixius to adjourn at 9:40 a.m. Motion carried all ayes.