

**Lincoln County Board of Adjustment  
Minutes of Thursday, November 20, 2008 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, Steffenhagen, Hornischer, Schmidt and Alternate Adams. Also present was: Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist & June Winters; Program Assistant. Board member Brixius was excused.
2. Tour the sites for the Public Hearing that would be held at 11:00 a.m. – The Board, Miller & Bowers left to tour the sites.  
  
Members present for the public hearing: Lamer, Jach-Richards, Steffenhagen, Hornischer, Schmidt & Alternate Adams. Visitors: Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, June Winters; Program Assistant, Mary Heederik; Court reporter and 8 others. Board member Brixius was excused.
3. Approve minutes from October 23, 2008 meetings - Motion by Schmidt, seconded by Steffenhagen to approve the minutes from October 23, 2008. Motion carried 5-0.
4. Public Hearing – The public hearing was opened for the requests listed below.

**Variance**

1. A request by Raymond Erickson ETAL from Section 21.07(1) and 21.07(10)(a) of Lincoln County Ordinances to allow for the creation of two lots on Somo Lake. One lot has 103 feet of frontage where 175 feet of frontage is required. The 2<sup>nd</sup> lot would have two dwellings with 343 feet of frontage on the water where 350 feet would be required. The property is located in Section 8, T35N, R05E in the Town of Wilson; having a tax parcel number of 32.083505.004.001.01.01 and 32.083505.002.008.01.00 and an address of N11562 Point Retreat Road and N11567 County Road CC.

Donald Wanie was present and sworn in. He read his prepared testimony giving the Board a copy. He is an adjoining land owner in opposition to the request. He voiced his concerns to the request and supports the legal alternative to the request. He states that there is no hardship present and asks that the Board deny the request. Wanie told the Board that he had concerns about the driveway location for the new building site and asked the Board that, if the request is approved, they ensure that the new driveway does not affect the wetland. Dan Miller said that he will address that issue. Chairman Lamer also read into record the previous e-mail that Mr. Wanie had submitted to Miller in opposition to the request.

Lamer also read into record letters/e-mails from David Brown and Jeffrey Daurer, both in opposition to the request. Both are adjoining land owners.

Matt Hogle was present and sworn in. He is from Nicolet Surveyors and is completing the survey for the Erickson family. He spoke in favor of the request and stated that the creation of the 2 lots would not have a negative effect on the lake or the environment. He said that the existing non-conforming cabin should not even figure into the decision as it has been there for so many years. He stated that the legal alternative would have far more impact on the lake because if the variance is

granted, they would be required to build 200+ feet from the water, having less impact on the lake. They have looked at the wetland issues and he is confident that they will not be impacted. Hornischer asked if it was impractical to move the lot line to make the variance unnecessary. Hoglelund stated that would put the old cabin on the north parcel and that was where they were hoping to build a new home. Hoglelund said that there are restrictions that may be placed on the Certified Survey Map to minimize the problems.

Robert Zietlow was present and sworn in. He has an interest in the request as he is hoping to build a home on the newly created lot. He said that the Town of Wilson has approved this request. He stated that he spoke to Mr. Wanie at the township meeting about his concerns. He stated that personally he felt Mr. Wanie was opposing the request only because the Ericksons will not eliminate an easement that they use. He stated that the township meeting Mr. Wanie offered that he would not oppose their request if the easement was eliminated.

Dan Miller was present and sworn in. He reviewed the staff report. He explained that we did not do an aerial photo because there is no parcel mapping in Wilson so the proposed survey was more informative. He said that the Town of Wilson did approve the request but noted that the town is mainly concerned that the new buildable lot be at least 5 acres in size. He recommended approval because he felt that there were compelling arguments for approving it. The new building site is going to be at least 200 feet from the OWHM because the lot width does not allow for construction any closer than that. He agreed that the legal alternative may have more impact on the public interest because of that fact that there are steep slopes and by right the owner could build at a 75 foot setback (with mitigation) and that may be more devastating to the environment. He feels that there is more to be gained for the public interest if the variance is granted. The other issue is that the existing driveway does cross 2 other properties and this brings up easement and road maintenance issues and those issues would need to be addressed. He addressed the wetland issue that Mr. Wanie brought up and said that there is enough upland for a driveway and they would not be allowed to impact the wetland. Hornischer questioned the original request of development of 3 lots and now there are 4. Miller explained the reason for the change in the proposal.

Matt Hoglelund returned to the podium, acknowledged being sworn in, and stated that they are really meeting the spirit of the ordinance in this unique situation and this request, as proposed, is the most environmentally friendly solution.

Miller returned to the podium and acknowledged being sworn in. He told the Board that the ordinance section referenced on the Findings of Fact form 21.07(10)(a) should be omitted as it was no longer applicable with the creation of Lot 4, and just wanted the Board to make note of that.

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

Motion by Schmidt, seconded by Hornischer to APPROVE ON CONDITION the variance request with recommendations of the staff report.

**CONDITIONS:**

- 1) A deed covenant be imposed by the recording of the CSM that prevents Lot 2 from being further subdivided and the available shoreline frontage will never be further reduced.
- 2) The New home is built at more than 200 feet back from the lake because of lack of required width of that portion of the lot.

Motion carried 5-0

2. A request by Dana Bauer from Section 21.13(2)b.4. of the Lincoln County Ordinance to allow for the partial razing of a seasonal home and the rebuilding within the same footprint but to include expansion upward; the result of which will increase the livable area of the nonconforming structure to greater than 1,500 square feet in total. The property is located in part of the SW¼ of the NE¼ of Section 30, T35N – R7E in the Town of King; also known as Lot 8 of the amended Plat of Pine Isle Lots, having an address of N10306 Pine Shore Lane and a tax parcel number of 12.303507.018.00.00

Scott Borchardt was present and sworn in. He is with Tomahawk Log Homes and is representing the Bauers. He explained the request and the measures that the land owners are willing to do to mitigate the impact of the construction. He stated that a good portion of the 2<sup>nd</sup> story is an open loft. Lamer questioned if both the garages are proposed to stay. Borchardt stated that the owner wishes to leave the garages as is and no longer planning the breezeway between them and the home. Jach-Richards asked if it would be possible to tear down and rebuild at the compliant location. Borchardt stated that it would be more costly to do a total demolition and rebuild rather than a partial rebuild. They may also run into issues with the mound system if they move the home back.

Dan Bowers was present and sworn in. He reviewed the staff report. The variance is required because they are increasing the livable area by adding a second story. They are tearing down approximately 2/3 of the existing structure. There are physical limitations because of the existing mound system. If the variance is denied and they do the complete tear down and move to a compliant location we can not require the buffer be restored. He doesn't believe that there is a hardship present. If a variance is granted he would ask that they be required to meet the maximum of 20% of the impervious surfaces, restoring the buffer and reducing the view corridor. Lamer asked if the tank for the mound could be moved and Bowers stated that it could be relocated. Jach-Richard asked Bowers questions on the legal alternatives. Bowers said that we could not impose any mitigation if they completely teardown and build at the required setback. Hornischer cited the delicate issue of balancing the property owner's rights and protecting the environment.

Scott Borchardt returned to the podium to answer a question from Hornischer. Hornischer asked if any options had been discussed with the owner. Borchardt said that they had not discussed a complete tear down and rebuild at this point because of the enormous cost difference. Hornischer discussed some confusion on the square footage total. Jach-Richards questioned how much of the foundation would be redone. Borchardt explained that the foundation would be redone under the proposed addition. Borchardt stated that 462 square feet of the existing structure would be retained to incorporate into the new construction that would still be within the original footprint.

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

Motion by Hornischer, seconded by Jach-Richards to DENY the variance request. Hornischer went on to comment that there are viable legal options.

Motion carried 5-0

5. Adjourn – Motion by Steffenhagen, seconded by Schmidt to adjourn at 11:59 a.m. Motion carried all ayes.