

**Lincoln County Board of Adjustment
Minutes of Thursday, November 16, 2006 at 9:30 a.m.
Land Resource Center Meeting Room**

1. Open meeting and Call to Order - Meeting was called to order at 9:30 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 1:00 p.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 3 others.

3. Approve minutes from October 26, 2006 meeting – Motion by Steffenhagen, seconded by Wendt to approve the minutes from October 26, 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. Bob Olsen and co-applicant Pat Moriarty for a variance from Section 17.4.10(1) of Lincoln County Ordinances to allow for a setback of less than 150' to the centerline of Swamp Road for a cabin in a Forestry District. The property is located in part of the NW ¼ of the NW ¼ of Section 30, T34N, R06E in the Town of Bradley; having a tax parcel number of 04.303406.006.001.00.00.

Pat Moriarty was present and sworn in. He is the co-applicant and he explained the request. Priebe questioned what his interest in the property was. Moriarty stated that he is not an owner now but would be if this variance is granted.

Dan Bowers was present and sworn in. He reviewed the staff report. They are recommending approval with certain conditions 1) A 30 foot wide maximum building envelope be afforded which is at least 15 feet from the wetland, 75 feet from the stream, and not less than 75 feet from the centerline of Swamp Rd. 2) The cabin is limited to 1,500 square feet of livable area. 3) Sufficient amount of trees remain between the road and the proposed cabin to buffer the visibility of the cabin from the road to better meet the intent of the Forestry District.

Jach-Richards asked Bowers to explain a “building envelope”. Priebe asked if there was a survey on the property to define the lot lines. There is not. He also clarified that this request is for a seasonal dwelling only. Bowers said that is all that is allowed in the Forestry District. Dan Miller was present and sworn in. He talked more about the lack of surveys on the property and clarified more about building envelopes. Lamer read into record a note submitted by Fred Crownover, an adjoining landowner, in opposition to the request. Michael Moe was present and sworn in. He is a Land Surveyor and is currently doing some work out on the property to define the lot lines. He has been in contact with the Lincoln County Surveyor. Priebe asked if when done the result would be a recorded Certified Survey Map and Moe said that it would be.

Chairman Lamer closed the public hearing for Bob Olson & Pat Moriarty.

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

Motion by Priebe, seconded by Steffenhagen, to APPROVE ON CONDITION. CONDITIONS:

- 1) Buffer of trees maintained along Swamp Rd
- 2) That a Certified Survey Map be recorded for the property
- 3) A 30 foot wide maximum building envelope be afforded which is at least 15 feet from the wetland, 75 feet from the stream, and not less than 75 feet from the centerline of Swamp Rd.
- 4) The cabin is limited to 1,500 square feet of livable area.

Motion carried all ayes.

2. Marilyn Relyea and co-applicant Pat Moriarty for a variance from Section 17.4.10(1) of Lincoln County Ordinances to allow for a setback of less than 150' to the centerline of Swamp Road for a cabin in a Forestry District. The property is located in part of the NW ¼ of the NW ¼ of Section 30, T34N, R06E in the Town of Bradley; having a tax parcel number of 04.303406.006.010.00.00.

Pat Moriarty was present and acknowledged being under oath. He explained the request. Priebe asked if he was also a purchaser of this property. Moriarty stated that he already owns 400+ acres right now just to the south of Olson's & Relyea's properties that is not buildable at all and they are proposing buying these two properties to build hunting cabins for the larger property. Priebe asked if a Certified Survey Map would also be recorded for this property and Moriarty stated that it would.

Dan Bowers was present acknowledged still being sworn in. He reviewed the staff report and said that they are recommending approval with the same conditions imposed as the Olson variance. Lamer read into record a note submitted by Fred Crownover, an adjoining landowner, in opposition to the request. Priebe asked if granted variance transfers with the property if sold. Miller stated that the variance must be exercised by whomever within 2 years of being granted.

Chairman Lamer closed the public hearing for Marilyn Relyea & Pat Moriarty.

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

Motion by Priebe, Seconded by Jach-Richards to APPROVE ON CONDITION: CONDITIONS:

- 1) Buffer of trees maintained along Swamp Rd
- 2) That a Certified Survey Map be done and recorded for the property.
- 3) The cabin is limited to 1,500 square feet of livable area.
- 4) A 30 foot wide maximum building envelope be afforded which is at least 15 feet from the wetland, 75 feet from the stream, and not less than 63 feet from the centerline of Swamp Rd.

Motion carried all ayes.

3. Jan and Glenn Kadow for a variance from Section 21.07(1) of Lincoln County Ordinances to allow for a setback of less than 10' to a side lot line for a cabin addition. The property is located in part of Section 28, T35N, R07E in the Town of King; also known as Unit 12 of Edgewood Resort Condominium having a tax parcel number of 12.283507.023.012.00.00

Jan Kadow was present and sworn in. She explained their request and stated that they had the approval of the rest of the condo owners, the township and the neighbors directly to the south. The Board asked questions regarding the existing structure and discussed possible options. Lamer asked if they would consider tearing down and starting over. Kadow stated that they have considered it. Priebe stated that they would have to do an amendment to the condo plat for either expanding or rebuilding in a compliant location. Kadow said the septic location may be an issue for relocating the structure. The original request is being amended to request tearing down and rebuilding in a compliant location instead of adding to the existing non-conforming structure.

Dan Miller was present and acknowledged being previously sworn in. He reviewed the staff report on the request. The staff is advocating tearing down and rebuilding at a compliant location. For rebuilding in a compliant location they have two options to either move the septic tank and shift the building location to the north or shift the building to the east (towards the water) and maybe need to purchase more square footage from the condo association. Staff would agree with amending the original request to tear down and rebuild in a compliant location.

Chairman Lamer closed the public hearing for Jan and Glenn Kadow.

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

Motion by Jach-Richards, seconded by Steffenhagen to APPROVE ON CONDITION the amended request as recommended by staff: CONDITIONS:

- 1) The new structure may not exceed a footprint of 760 square feet over the life of the structure.
- 2) The new structure shall be located in a compliant location that meets all zoning setbacks.
- 3) The condominium plat and declaration shall be properly amended to reflect the new location and contain a statement as to the maximum size limit for the unit as a permanent condition.

Motion carried all ayes.

5. Discuss proposed 2007 meeting schedule – Lamer reviewed the proposed schedule. Motion by Wendt, seconded by Steffenhagen to accept as proposed. Motion carried all ayes.
6. Adjourn - Motion by Jach-Richards, seconded by Wendt to adjourn at 1:50 p.m. Motion carried all ayes.