

Lincoln County Board of Adjustment
Minutes of Thursday, December 28, 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: Wendt, Steffenhagen, Priebe, Hornischer, and Dan Miller; Zoning Administrator. Jach-Richards was absent.
2. The Board and Miller left to tour the sites of Public Hearing that would be held later in the day. Chairman Lamer joined the board at the tour site at 9:00 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 Street, Merrill, WI.

Members present for the public hearings: Lamer, Wendt, Steffenhagen, Priebe and Hornischer. Jach-Richards was absent. Visitors: Dan Miller, June Winters; Program Assistant, Mary Heedrick; Court Reporter and 3 others.

3. Approve minutes from November 16, 2006 meeting – Motion by Steffenhagen, seconded by Hornischer to approve the minutes from November 16, 2006. Motion carried all ayes.
4. Public Hearing – Testimony was taken on the item 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. Jeff & Susan Hovind for a variance from Section 21.13(2)(d)1. of Lincoln County Ordinances to allow for a greater expansion of one unit inside of the Clear Water Condominium than what is allowed by ordinance which requires equal distribution of impervious surfaces to all units inside of a condominium. The total cap on impervious surfaces for the condominium will not be exceeded. The property is located in part of Government Lot 1 of Section 10, T35N, R06E in the Town of Bradley; having a tax parcel number of 04.103506.017.005.00.00.

Jeffrey Hovind was present and sworn in. He gave the history of the resort turned condominium. He explained the reason for the variance request. The restaurant has been sold off as a unit and so have 3 units. They will continue the operation of the resort but wish to do an addition to their home and that would exceed the expansion opportunity for their unit. There are reasons that would prohibit the restaurant from expanding and they would like to reallocate the allowable expansion opportunity to Unit 5. He stated that some of the existing storage units will be removed from the property. The Hovinds own all of the lake front units. Hovind stated that septic systems would be brought up to code as necessary. He did not agree with an item in the staff report saying that there would be a negative impact on the public interest because of this request. He wishes to take exception with the item that recommends Unit 6 be removed as they can comply with the cap without that unit being removed. Unit 6 is a considerable asset to the resort and is booked already for the 2007 season. He did not care for the wording that the request “robbed” opportunity from the other units as “robbed” insinuated something illegal. He felt the rest of the recommendations were reasonable. He did ask the shoreland buffer restoration be reasonable and not something that was dependant on high maintenance. Hornischer asked if he was clear that Unit 5 would be the Hovind’s year round permanent residence and Hovind said that it was.

Priebe asked when Hovinds purchased the resort. Hovind stated June of 2004. Priebe asked how he arrived at his numbers for the proposed surface expansion plans that Hovind had submitted. Hovind stated that they were working off of numbers from Zoning. Priebe asked if it was a condominium when they purchased it and Hovind stated that it was not and that they went through that process in May of 2005.

Dan Miller was present and sworn in. He reviewed the staff report. When the parcel was originally subdivided by Lynda Goranson it was with the understanding that some of the existing structures would be razed because of the shortfall of existing water frontage for the lots. He recommended removal of Unit 6 and a number of other units at that time to minimize that shortfall. The condominium plat being recorded made it a non issue. He has issues with reallocating all of the expansion opportunities afforded the rest of the units because the ordinance seeks equitable allocation of expansion opportunities in a condominium. He doesn't want to see owners of the other units back before the Board of Adjustment in the future because of the lack of opportunity to expand due to the granting of this variance request. He stressed that it is the Board's decision but he was just trying to avoid future problems when the individual units are under separate other ownership.

Priebe asked for the definition of "Impervious Surface". Miller gave the definition and explained how they arrived at the total square footage of the impervious surfaces. Priebe asked if this request is granted could it ever be done again if there is another request. Miller stated that it would require applying for another variance. Priebe asked if it would require an amendment to the condominium plat. Miller said that it would. Priebe asked if it would then be subject to our revised chapter 18 that was just adopted. Miller stated that it is questionable as far as how our new ordinance would affect an existing condominium. Hornischer asked if Miller had recommended the condominium option to the Hovinds. Miller said that it was one of the options that were discussed. Hornischer said that if it clearly stated on the amended condominium plat that there are restrictions for expansion for the other units the future owners would be adequately notified.

Chairman Lamer closed the public hearing for Jeff & Susan Hovind.

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

Motion by Hornischer, seconded by Steffenhagen, to GRANT ON CONDITION. CONDITIONS:

- 1) Transfer impervious surface limitations as proposed by applicant: (This is Impervious Surface limitations NOT structure expansion)
 - Unit 1- no expansion
 - Unit 2- 1106 sq. ft.
 - Unit 3- 1106 sq. ft
 - Unit 4- 1106 sq. ft.
 - Unit 5- 2564 sq. ft.
 - Unit 6- 856 sq. ft. (250 to Unit 5)
 - Unit 7- 856 sq. ft. (250 to Unit 5)
 - Unit 8- 504 sq. ft. (602 to Unit 5)
 - Unit 9- 750 sq. ft. (356 to Unit 5)
- 2) Replace septic systems as required by ordinance
- 3) Restore shoreland buffer in accordance with the Zoning Ordinance
- 4) Amend the Condominium Declaration to reflect the limits on expansion for each of the units and clearly identify what constitutes expansion of impervious surface.

Motion carried all ayes.

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