

Lincoln County Board of Adjustment
Minutes of Wednesday, February 15, 2012 at 8:30a.m.
Lincoln County Service Center, Meeting room #156

1. Open meeting and Call to Order – The meeting was called to order at 8:30 a.m. in the Zoning Office. Members present: Hornischer, Steffenhagen, Adams, Brixius, Alternates Prain & Rausch. Also present were Dan Bowers; Zoning Specialist and June Winters; Program Assistant. Chairman Lamer was excused.
2. Tour the site for the Public Hearing to be held at 10:00 a.m. – The Board & Bowers left to tour the site.

Members present for the public hearing: Hornischer, Steffenhagen, Brixius, Adams, Alternate Prain & Rausch. Visitors: Dan Bowers; Zoning Specialist, June Winters; Program Assistant and Paul Werner. Chairman Lamer was excused so Alternate Prain will be an active member for the hearing.
3. Approve minutes from the October 27, 2011 meeting - June Winters explained to the Board that she had made a mistake in doing the minutes for the October meeting. She had an incorrect date of the minutes that were being approved at that meeting. The minutes approved at the October meeting were the September 22, 2011 minutes. Motion by Steffenhagen, seconded by Adams to approve the minutes from October 27, 2011 meeting with that change. Motion carried all ayes.
4. Public Hearing – The public hearing was opened for the request listed below.

Variance

1. A request for variance by Dave Zblewski from section 21.13 (2)(b) of Lincoln County Ordinances to allow for an addition onto an existing non-conforming structure which is greater than 1500 square feet in livable area. The property is located in Section 30, T35N, R07E, in the Town of King and has an address of N10252 Pine Shore Lane

Paul Werner, Werner Construction, contractor for the land owner was present to represent the land owner and was sworn in. He explained the request for the Board. They are going to be removing a portion of the structure and rebuilding to be more accessible, give them more space and increase their livable area.

There was discussion on the non-conformity of the structure and the legal options. Werner believes that the house was probably built prior to zoning regulations. Brixius asked what the additional “footprint” would be. Werner thought maybe a 100 sq. ft. would be added to the footprint but they would be adding “livable” area upstairs and downstairs. He also commented that they are planning on installing a chair lift. Hornischer confirmed that the need for the expansion was to accommodate a disability and Werner said that it was.

Dan Bowers, Zoning Specialist was present and sworn in. He reviewed the staff report and important points. The structure is non-conforming because one corner of the home is 69’ from the OHWM, so they are limited to 1500 sq. ft. maximum livable area, which they currently exceed. He figures that total livable area being added is approximately another 1200 sq. ft. He said that there was an evaluation done on the approximately 30 year old septic system, and it showed that the system did pass, with the steel tank described as “rusted but still in place”. Impervious surfaces would be increased by a few hundred sq. ft. He recommends that be mitigated by increasing the buffer depth to 40’ from 35’ and the view corridor be reduced to the required 30’ width. Bowers stated that if the request was solely for the handicap accessibility it would not require the variance

but because the request exceeds the minimum that is required to make it handicap accessible, the variance is required.

Hornischer asked if there was any allowance for the natural erosion of the shoreline and Bowers said that there is not and that's why zoning encourages a natural shoreline to prevent erosion and encourage people to not build at the very minimum setback required from the OHWM. He did agree that physical limitations to the property are present. Adams brought up safety concerns as far as ingress and egress from the structure for someone who is handicapped.

Vice-Chairman Hornischer closed the public hearing for the Zblewski request. The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

Motion by Adams, seconded by Steffenhagen to GRANT ON CONDITION the variance request with the conditions as listed in the staff recommendation.

CONDITIONS:

1. The required vegetative buffer depth be increased by an additional 5 feet to 40 feet from the water.

Motion carried all ayes.

5. Adjourn – Motion by Steffenhagen, seconded by Prain to adjourn at 10:22 a.m. Motion carried all ayes.