Lincoln County Board of Adjustment
Minutes of Thursday, April 28, 2011 at 8:30a.m.
Lincoln County Service Center, Meeting room #107

1. Open meeting and Call to Order – Meeting was called to order at 8:30 a.m. in the Zoning Office. Members present: Lamer, Hornischer, Brixius, Adams & Prain. Also present was Diane Hanson; Interim Zoning Director, Dan Bowers; Zoning Specialist and June Winters; Program Assistant. Steffenhagen was excused.

2. Tour the sites for the Public Hearing to be held at 11:00 a.m. – The Board, Bowers & Hanson left to tour the sites.

   Members present for the public hearing: Lamer, Hornischer, Brixius, Adams & Prain. Visitors: Diane Hanson; Interim Zoning Director, Dan Bowers; Zoning Specialist, June Winters; Program Assistant, Dan Miller; former Zoning Administrator and 4 others. Steffenhagen was excused.

3. Approve minutes from December 7, 2010 & February 17, 2011 meetings - Motion by Adams, seconded by Hornischer to approve the minutes from December 7, 2010. Motion carried all ayes. Motion by Adams, seconded by Hornischer to approve the minutes from February 17, 2011 meeting. Motion carried all ayes.

4. Public Hearing – The public hearing was opened for the requests listed below.

Variance

1. A request for variance by Peter Rupp from sections 17.4.10 (1) and 21.07(1) of Lincoln County Ordinances to allow for the rebuilding and expansion of a portion of a home which is less than 63 feet to Somo Lake Road and less than 10 feet to the east lot line. The property is located in Section 16, T35N, R05E, in the Town of Wilson and has an address of N 10950 Somo Lake Road.

   Pete Rupp was present and sworn in. He is the applicant and explained his request for the Board. He wishes to enlarge a cottage that has been in existence since the 1950's. His request requires a variance because he cannot meet the road setback requirement.

   Dan Bowers, Zoning Specialist was present and sworn in. He reviewed the staff report for the request. The structure is 55 feet to the center of the town road & 8' to the lot line and is not asking to build any closer. Bowers stated a complete tear down and rebuild would be impractical. Staff recommended approval subject to buffer being restored and other aspects of the ordinance be met.

   Hornischer asked if this request is granted is it a "one time" thing or would he have the opportunity to tear down and rebuild again. Bowers said that he was protected in case of natural disaster to rebuild but to opt to tear down and rebuild, it would require meeting setbacks. Adams asked if this is the first addition. Mr. Rupp said that there have been 2 previous additions to the cottage.

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

   Motion by Adams, seconded by Prain to GRANT ON CONDITION. Conditions: The buffer be restored to a compliant state and that besides the relaxations to dimensional standards authorized by this variance, all other aspects of the variance shall be met. Motion carried all ayes.

2. A request for variance by Case Equipment Corporation from sections 21.07(10) of Lincoln County Ordinances to allow for the rebuilding of a bunkhouse on a lot which already has more principal structures than the shoreline frontage allows. The property is located in Section 13, T35N, R07E, in the Town of King and has an address of N10905 Pickerel Creek Road.

   Russ Wadzinski, General Manager of Case Customer Center in Tomahawk, was present and sworn in. He explained the request. This existing building is from the 1960s and is not very modern. He feels they need to replace it to update their facilities for their customers comfort. The new unit will have 8 units with private bathrooms. Approximately 1500- 2000 customers a year visit their facility. Hornischer complemented Wadzinski on the beautiful facility and the well maintained area surrounding the facility.

   Dan Miller, former Zoning Administrator, was present and sworn in. He reviewed the staff report and need for the variance. The density allowed by the amount of water frontage that they have is being exceeded. Lot area is not an issue but the frontage is the limiting factor. They are tearing down one of the existing principal structures and converting another structure to an accessory structure. Dan Miller felt that the ordinance was unnecessarily burdensome even though there are possible legal alternatives. He discussed the alternatives noting that the request is due to a density issue and not setbacks. Staff is recommending approval with a condition that a small erosion problem near the parking area by the dining facility be addressed (not related to this construction).

   Hornischer commented on there being legal alternatives and Miller agreed but they may not always be a better solution and may cause more problems.

   Lamer closed the public hearing for the Case Equipment request. The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

   Motion by Hornischer, seconded by Adams to GRANT ON CONDITION. Condition: That a small erosion problem near the parking area by the dining facility be addressed. Motion carried all ayes.

5. <u>"Old Business" - A request by William & Judy Schroeder for modification of a decision made on 11/18/10 (VAR-10-010) for property located at W5694 Clear Lake Rd. (Town of Bradley)</u> – Dan Miller explained why this was put on the agenda saying that Judy Schroeder had been in contact with him & she said that they were having problems finding a floor plan that will work. He had told her that she could either apply for a new variance or ask the Board to reconsider her request under "old business".

   Lamer discussed with the Board as to whether they want to reconsider a modification. Brixius & Hornischer asked Miller the protocol on such a request. Miller said that Schroeders have run into problems but according to the by-laws this is sort of a "gray area" and doesn't know if they want to set a precedent by reopening a request after it has been acted on.

   Judy Schroeder started speaking from the audience pleading her case. The Board discussed whether they should be listening and then stopped her as the consensus of the Board was that they would not reopen the request.

6. <u>Adjourn</u> – Motion by Hornischer, seconded by Brixius to adjourn at 11:36 a.m. Motion carried all ayes.