

**Lincoln County Board of Adjustment
Minutes of Thursday, May 27, 2009 at 8:30 a.m.
Lincoln County Service Center, Meeting room #156**

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, Schmidt and Alternates Brixius & Adams. Also present were: Dan Miller; Zoning Administrator, & Dan Bowers; Zoning Specialist. Board members Hornischer & Steffenhagen were excused.
2. Tour the site for the Public Hearing that would be held at 10:30 a.m. – The Board and Miller left to tour the sites.

Members present for the public hearing: Lamer, Jach-Richards, Schmidt & Alternates Brixius and Adams. Hornischer & Steffenhagen were excused. Visitors: Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist and 10 others.

3. Approve minutes from January 21, 2010 & February 25, 2010 meetings - Motion by Schmidt, seconded by Jach-Richards to approve the minutes from January 21, 2010 & February 25, 2010. Motion carried all ayes.
4. Public Hearing – The public hearing was opened for the requests listed below.

Variance

1. A request by Lynn Poker from Section 21.07 (1) of Lincoln County Ordinances to allow for the rebuilding of an existing deck and porch on a home within the same footprint area but at less than a 75 foot setback to the Wisconsin River. The property is located in Section 16, T35N, R07E, and known as Lot 2 of CSM 221, in the Town of King; having an address of W3766 West River Road

Mitch Bayer, builder for Lynn Poker was present and sworn in. Ms. Poker is asking for a variance so she can replace her existing poorly constructed deck in its present location and a connecting boardwalk in place of an existing covered walkway. The boardwalk will be 6 feet wide to allow passage around a chimney chase. The structure could be repaired and not totally replaced but to do it correctly it should be torn down and reconstructed.

Dan Bowers, Zoning Specialist was sworn in and went over his staff report. When the home was built in 1978 it was allowed to be constructed at a 50 foot setback due to the lot configuration. The zoning ordinance at the time allowed for a reduced water setback for narrow lots. Today the rules are different. The river is classified as highly sensitive at this location and therefore a 100 foot setback is required or 75 feet if mitigation is available. The extra width in the walkway would be okay to accommodate the 4 foot clearance around the chimney chase. A legal option would be to simply repair the structure by splicing in stringers and new decking. 5 mitigation points will need to be earned and reducing the view and access corridor along with restoring the vegetative buffer zone are ways to do so. He recommends that be required. Repairing the structures are a legal option but not practical.

Tom Blake from the Wisconsin DNR was present and sworn in. He explained that in order for the Board to properly issue the variance, they would have to find that an unnecessary hardship is present. The owner does not need a deck. It is simply her preference to replace it. A compliant location exists on the lot for a deck in a different spot. The ordinance also allows for a 40 square foot landing in front of the existing door so the deck isn't necessary. The public interest is affected by encroaching structures to waterways as they affect scenic beauty, wildlife habitat and runoff to the waterway. The Board should deny the variance.

Mitch Bayer re-addressed the Board and stated that the structure was legal in 1978. He is just replacing the deck and is doing so because the previous owner didn't construct it correctly. The current owner shouldn't be penalized for that mistake.

Tom Blake re-addressed the Board and said that instead of building the covered screen porch build the deck in that location and the issue is solved.

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

Motion by Jach-Richards, seconded by Schmidt to approve the variance request with staff recommended conditions.

Motion carried all ayes.

2. A request by Collins Outdoor Advertising, Inc. from Sections 17.6.06(d) and 17.7.02(1) of Lincoln County Ordinances to allow for the structural alteration of nonconforming billboards by raising their height above ordinance limits so as to be viewed above surrounding vegetation. The subject property (8.457 acres) is owned by Christopher Resch and described as Lot 1 of CSM 1847 in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, T31N- R7E in the Town of Scott.

Keith Carson from Collins Outdoor Advertising was present and sworn in. He explained the request to raise the sign height because the trees within the right-of-way are obscuring the sign. He stated they would consider the recommendations of the revised staff report to remove one of the signs. He explained that a unipole design would allow for future development of the land by allowing cars to be parked underneath the sign. He addressed concerns regarding driver distraction stating that studies show that billboards do not distract drivers. He explained that Collins currently has 20-25 signs along Highway 51 in Lincoln County. Except in Birch and Rock Falls all the signs are non-conforming. When asked about current lighting conditions; he stated the lights point upward to the billboard.

Arlene Meyer was present and sworn in. She stated she likes billboards and thinks they are helpful along the highway. Billboards are good advertising for the local economy.

Dean McDonald was present and sworn in. He is the owner of the billboard lease and is in favor of the billboards being raised. He stated he would lose money if one of the billboards went away.

Dan Miller was present and sworn in. He explained a brief history of how the sign was allowed on Agriculture property. The property was rezoned in 2005 to Planned Business. He explained that the billboards are larger than allowed, taller than currently allowed and that ordinances currently allow only one billboard per tax parcel. Recent amendments to state law do not allow for cutting of certain trees within the state right-of-way. The billboards do provide tax revenue. However, a lighted sign does detract from natural scenic beauty. There is an unnecessary hardship present in his opinion because the ordinance is severe in its size and separation dimensions and would in effect require the removal of a permitted use, but that should only extend to one sign and not two.

Cornel Hausler was present and sworn in. Written testimony was submitted. He would like to see the billboards removed. He would like the County to enroll in a scenic byway program. He says that he has documented deaths in Lincoln County near billboards.

Carole Finunger was present and sworn in. She stated she does not like billboards. She asked what's the point of making ordinances to regulate billboards if you constantly variance them.

Carlyss Beier was present and sworn in. She stated that billboards are not benefitting businesses in Lincoln County because not many local businesses advertise on the billboards. People move to the area for the natural scenic beauty not for the billboards. She encouraged the Board to take a stand and not approve the variance.

Tom Krembs was present and sworn in. He is interested in preserving the aesthetics and scenic values.

Charlotte Peters was present and sworn in. She encouraged the Board to deny the request and would rather see the vegetation cut than to raise the height.

Harry Gladwin was present and sworn in. He explained that he is not speaking on behalf of the Town of Bradley. He read the Town Vision Statement which advocates preserving rural character. He noted that the Town's planning documents recommend creating Town ordinances if the County's sign regulations are not restrictive enough. He stated that billboards do distract from driving.

Chairman Lamer read two letters. One from AJ Theiler; opposed. One from Christopher Resch; in favor.

Chairman Lamer closed the public hearing for Collins Outdoor Advertising/Christopher Resch. The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

Motion by Brixius, seconded by Schmidt to approve the variance request as recommended in the revised staff report with conditions recommended by staff and an additional condition that the lighting be modified to meet current lighting ordinances.

Motion carried Schmidt, Adams, Brixius voting yes; Jach-Richards voting no.

3. A request by Collins Outdoor Advertising, Inc. from Sections 17.6.06(d) and 17.7.02(1) of Lincoln County Ordinances to allow for the structural alteration of a nonconforming billboard by raising its height above ordinance limits so as to be viewed above surrounding vegetation. The property is owned by G&M Peterson, LLC and is described as 27.12 acres in the SE¼ of the NE¼ of Section 6, T31N-R7E in the Town of Merrill.

Keith Carson from Collins Outdoor Advertising was present and acknowledged still being sworn in.

Discussion took place regarding possibly moving the sign to a different location based upon the revised staff report. Mr. Carson asked for more time to work with Staff on finding an alternative location.

Motion by Schmidt, seconded by Jach-Richards to lay over the variance request until the next meeting thereby affording staff and Collins time to research an alternate location.

Motion carried all ayes.

5. “Old Business” – Request by Darwin & Sue Schiller to extend the time for Variance #00-708 granted 11/16/00 to be exercised. Variance was granted for building at a reduced setback to the road. Sue Schiller was present and explained that they are waiting to build until they have a committed buyer for their current home. That hasn’t happened and the market isn’t real conducive to a quick sale now.

Motion by Schmidt, seconded by Jach-Richards to approve the extension of the request for 5 years.

Motion carried all ayes.

6. “Old Business” Request by Louis Tomassi to extend the time for Variance #08-004 granted 7/24/08 to be exercised. Variance was granted for an existing garage at a reduced setback to a lot line contingent upon moving septic tank. Miller and Mr. Tomassi explained that due to the illness and ultimate passing of Mrs. Tomassi, Lou has not had the time or the money to move the septic tank. He has a permit to do so but is asking for more time.

Motion by Jach-Richards, seconded by Brixius to approve the extension of the request for two years.

Motion carried all ayes.

7. Adjourn – Motion by Jach-Richards, seconded by Adams to adjourn at 12:15 p.m. Motion carried all ayes.