

**Lincoln County Board of Adjustment
Minutes of Thursday, June 23, 2016 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, Hornischer, Adams, Prain & Powell. Also present were Matthew Bremer; Land Services Administrator, Mike Huth; Zoning Program Manager and June Winters; Zoning Program Assistant. Members Brixius & Rausch will meet the Board at the tour site.
2. Tour the site in the Town of Wilson that is the subject of the Public Hearing to be held at 10:00 a.m. - Board members present, Bremer & Huth left to tour the site. The Board, Bremer & Huth returned to Room #156 and re-convened at 10:07 a.m. to continue the meeting.
3. Approve minutes from the April 18, 2016 meeting - M/S Brixius/Adams to approve the minutes from April 18, 2016 meeting. Motion carried all ayes.

Members present for the public hearing: Lamer, Hornischer, Brixius, Adams, Prain & Alternates Rausch & Powell. Visitors: Matthew Bremer; Land Services Administrator, Mike Huth; Zoning Program Manager, June Winters; Zoning Program Assistant and Larry Krause others.

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

Variance

1. A request for a variance by Larry Krause from sections 21.07(4)(a) & 17.4.11 of Lincoln County Ordinances to allow for the building of a dwelling which is less than the required 75 feet from the Ordinary High Water Mark (OHWM) of Somo Lake. The property is located in Section 21, T35N, R5E, in the Town of Wilson and has a parcel number of 32.213505.001.015.00.00 and has an address of N10794 Somo Lake Dr.

Larry Krause was present and sworn in. He explained his request. He wants to move his non-conforming structure back but not to the required 75' setback. Brixius asked about the septic. Krause clarified that the setback would be met. Hornischer asked about the buffer requirements. Krause said that they are still working on the re-vegetation plan to meet the 35' buffer requirement, but they will stabilize the soils and he doesn't wish to cut any more trees down. Prain asked for clarification that the deck would be included in the construction. Krause said that the deck is considered in the foundation and that the deck should be included in his dimensions. There was discussion on the deck. Krause said in conversations with staff the deck was to be included. Hornischer commented that he does have the opportunity to build in the existing footprint but Krause said that he is moving it back to be less visible from the lake. Hornischer asked if any of the neighbors were opposed to his request and Krause said he didn't think so.

Mike Huth came to the podium & was sworn in. He reviewed his staff report for the Board. Staff supports the request but he did want to make one clarification regarding the setback from the septic tank & drainfield. The recommendation should have "a minimum" added in front of the distances. He said that the shoreland code does allow for replacement within the existing building/deck footprint, but staff does support moving it back to meet the 35' shoreland buffer setback from OHWM. Prain asked Huth for clarification on the deck issue. Huth said that the deck would start at 35' from the OHWM. He said that they would need to clarify that in the Land Use Permit process.

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

M/S Prain/Hornischer to APPROVE ON CONDITION the request with conditions as recommended in the staff report adding “a minimum” for the setbacks in condition #3 as staff clarified.

Conditions:

1. The variance must be exercised within 24 months as required by 17.8.60(9).
2. Reestablishment of a shoreland buffer, 35’ from the OHWM of Somo Lake be in compliance with Chapter 21 and State of Wisconsin DNR Shoreland Regulations. An affidavit documenting the plans for a shoreland buffer be recorded with the Register of Deeds.
3. The setback from building to sewage tank be a minimum 5’ and from the drainfield be 10’.
4. All other applicable regulations shall be met.

Motion carried all ayes.

5. Board re-organization & election of officers – Winters shared with the Board that Lamer, Hornischer & Prain had been reappointed to the Board of Adjustment at the June 21, 2016 County Board meeting. Curtis Powell was also appointed to fill the vacancy left by Marie Steffenhagen and will be the Board’s 2nd alternate.

Nominations for Chairman were called. Adams nominated Lamer, seconded by Brixius. There were no other nominations. Unanimous vote cast for Lamer. Lamer remains the Board Chairman.

Lamer called for nominations for Vice Chairman. Brixius nominated Hornischer, seconded by Adams. There were no other nominations. Unanimous vote cast for Hornischer. Hornischer remains the Board Vice-Chairman.

Lamer called for nominations for Secretary. Hornischer nominated Brixius, seconded by Prain. There were no other nominations. Unanimous vote cast for Brixius. Brixius remains the Board Secretary.

6. Adjourn – M/S Brixius/Hornischer to adjourn at 10:25a.m. Motion carried all ayes.