

**Lincoln County Board of Adjustment
Minutes of Thursday, June 24 2010 at 8:45 a.m.
Lincoln County Service Center, Meeting room #156**

1. Open meeting and Call to Order – Meeting was called to order at 8:45 a.m. in the Zoning Office. Members present: Lamer, Hornischer, Steffenhagen, Schmidt, Brixius and Alternates Adams & Prain. Also present was: Dan Miller; Zoning Administrator.
2. Tour the site for the Public Hearing that would be held at 10:00 a.m. – The Board and Miller left to tour the sites.

Members present for the public hearing: Lamer, Hornischer, Steffenhagen, Schmidt, Brixius & Alternates Adams & Prain. Visitors: Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist and 8 others.

3. Board re-organization & election of officers - (taken up after the hearings) Miller called for nominations for Chairman. Steffenhagen nominated Lamer. There were no other nominations. Schmidt motioned to close the nominations and cast a unanimous ballot for Lamer. Seconded by Brixius. Motion carried all ayes. Chairman Lamer called for nominations for Vice Chairman. Brixius nominated Hornischer. There were no other nominations. Lamer declared the nominations closed. All voted for Hornischer. Lamer called for nominations for Secretary. Steffenhagen nominated Brixius. There were no other nominations. Lamer declared the nominations closed. All voted for Brixius.
4. Approve minutes from May 27, 2010 meeting - Motion by Schmidt, seconded by Brixius to approve the minutes from May 27, 2010. Motion carried all ayes.
5. Public Hearing – The public hearing was opened for the request listed below. (This item moved to number 3 on the agenda)

Variance

1. A request for variance by Susan and Kenyon Kies from Section 21.07 (1) and 21.13(2)(a) of Lincoln County Ordinances to allow for an addition on to the back side of a cabin, opposite Crystal Lake. The property is located in Section 11, T35N, R06E, in the Town of Bradley; having an address of W5510 Daley Road.

Kenyon Kies was sworn in and explained his intentions. The cottage was built in 1904 and the large stone fireplace was constructed in 1940 or so. They need to move a water heater and water softener inside the heated structure as they are presently outside of the home or on the unheated porch, and they need some additional room for storage and to construct a larger bathroom. The small addition would be a bedroom and the needs above would occupy the current second bedroom space. They have recently installed a new septic system and will do some landscaping to address the runoff concerns stated in the staff report. It isn't feasible to move the cabin as it would not withstand the effort.

Dan Miller was sworn in and explained the basis for his recommendations. He explained that the Board has latitude in determining what constitutes a hardship and the Ziervogel decision reaffirmed an older court case that the hardship test is grounded in a determination that the ordinance or regulations need to be found to be overly stringent in the circumstance at hand. He felt that due to the slope on site, the age and historical value of the structure and the fact that it would be lost if torn down to build a bigger place on the lot in a compliant location that the Board could find that the ordinance is overly restrictive in this circumstance. He recommended approving the request conditioned upon the applicant making some restoration effort to the vegetative buffer and installing

some prescription to counter the runoff problems. The prescriptions for the buffer and the runoff should be made by Land Conservation staff and the Shoreland Buffer Specialist.

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

Motion by Steffenhagen, seconded by Schmidt to approve the variance request as a onetime allowance for expansion of the structure and conditioned upon the applicant meeting with Land Conservation and Zoning staff to obtain recommendations for installing runoff controls, upgrading the vegetative buffer per the guidance of the Buffer Specialist and preserving the present buffer as it currently exists. A deed affidavit will be prepared and recorded to define the parameters that will apply.

Motion carried all ayes.

6. "Old Business" – (laid over from the 5/27/10 hearing) 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 in the Town of Merrill along U.S. Highway 51.

Keith Carson was sworn in and explained what has transpired since the meeting last month. He indicated that he met with Dan Miller and viewed three possible locations for a different billboard to be constructed. The two that were discussed on the east side of the highway contain specimen trees in the right-of-way that will grow and ultimately interfere with new billboard as well. The third location is on the west side of the highway and the trees that are growing in the right-of-way presently are trimmed because the overhead power line exists and they cannot grow up into the line. The trees that currently reside on the Peterson's land beyond the right-of-way will be removed and therefore no vegetation will obstruct future views of the sign. Collins will remove the current sign on the east side along with one they own on the adjacent property north of that one. They will construct a steel standard that supports a north bound and south bound billboard. The size of the two sides will retain the current dimensions of each of the two signs that are being replaced. One is 14'x38' and the other is 12'x36'. Neither of the two signs is currently lit and the new sign will remain unlit.

Miller addressed the Board and confirmed the testimony of Carson. He felt the situation was a win/win because two independent sign locations will be removed and combined into one standard. The separation distance between billboards will be increased to 3,500 to 3,600 feet or so between the new sign and the closest one to the south. The size of the signs will not increase. The property is zoned General Industrial and billboards are allowed to be placed on the property. Miller answered questions about lighting and how the billboards were allowed in the first place since the county imposed a moratorium.

A letter in opposition from Caroline Wallace was read into the record by Chairman Lamer.

Lamer closed the hearing and the Board reviewed and completed the findings of fact, order and determination.

Motion was made by Hornischer and seconded by Schmidt to approve the request conditioned upon the recommendation of the Zoning Administrator as outlined in his staff report. Motion carried all ayes.

7. Adjourn – Motion by Steffenhagen, seconded by Hornischer to adjourn at 10:57 a.m. Motion carried all ayes.