**Lincoln County Board of Adjustment**
**Minutes of Thursday, August 26, 2010 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, Steffenhagen, Brixius, Adams & Alternate Prain. Also present was: Dan Miller; Zoning Administrator and Dan Bowers; Zoning Specialist.

2. Tour the site for the Public Hearing that would be held at 10:15 a.m. – The Board, Miller and Bowers left to tour the sites.

   Members present for the public hearing: Lamer, Hornischer, Steffenhagen, Brixius, Adams & Alternate Prain. Visitors: Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist and 5 others.

3. Approve minutes from July 22, 2010 meeting - Motion by Adams, seconded by Steffenhagen to approve the minutes from July 22, 2010. Motion carried all ayes.

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

**Variance**

1. A request for variance by George and Joann Nelson from Section 21.13(2)(b)(4) of Lincoln County Ordinances to allow for an addition to a home which is less than 75 feet to Lake Alice which will increase the livable area of the nonconforming structure to greater than 1,500 square feet in total. The property is located in Section 30, T35N, R07E, in the Town of King and has an address of W4691 East Pine Shore Lane.

   Chairman Lamer swore George Nelson in to testify. He presented his plans to add a great room onto his seasonal home as he and his wife plan to live there full time pending her retirement in a year or two. There will be no additional bedrooms added to the home nor will the addition involve any more plumbing. Their home was built in 1970 by his father as a basic A-frame. There isn't a lot of usable space inside an A-frame so they need additional space to accommodate their family and the grandchildren when they get together. The home was built well beyond 75 feet originally but two large storm events and the continuous pounding of the shoreline by boat traffic has moved the high water mark 10 to 15 feet inland since 1970. He is in agreement with doing a shoreline buffer restoration in consult with the Shoreline Buffer Specialist and they have already allowed some of their shoreline return to a wild state.

   Miller was sworn in and went through his staff report with the Board. He felt that the ordinance does impose a hardship upon the applicant because the addition would meet all setbacks but in order to build it the existing home would have to be razed and rebuilt or moved back 5 more feet from the shoreline to meet the 75 foot setback. He suggested 3 conditions of approval: 1) have the buffer restored to a depth of 40 feet in accordance with a restoration plan approved by the county 2) have the septic evaluated by a plumber to ensure that it is functioning properly and 3) have a deed affidavit recorded to notify future land owners of their need to maintain the restored buffer.

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

   Motion by Adams, seconded by Steffenhagen to approve the request with the 3 conditions outlined in the staff report. Motion carried all ayes.

2. A request for variance by Michael Molski from Section 21.07(1) of Lincoln County Ordinances to allow for a deck/patio and retaining walls less than 75 feet to Crystal Lake. The property is located in Section 2, T35N, R06E, in the Town of Bradley and has an address of N11740 Krebs Road.

   Lamer read a letter of support from Steven Krebs into the record. He then swore Mike Molski in to testify. Molski stated that his father bought the lot in 1969 and excavated a large area of the hillside at that time to prepare for a new home. He was stopped from further excavation by Zoning at that time and he installed one brick retaining wall on the lower portion of the hill. Over the years they accumulated rail-road ties and built other retaining walls up the slope. They began to rot out and he replaced them with the more modern retaining wall block recently. He also added onto the home after he bought it in 2006 from his father. The roof was sagging and he stripped the shingles and discovered significant rot and infestation by carpenter ants. Since he had everything opened up he decided to construct the addition. He acknowledged doing so without permits. He explained why he built the lower of the two decks to address washouts that were occurring every time it rained. That was constructed also in 2006 when he built the addition.

   Lamer read a letter of support from Michael Rick into the record.

   Sherry Schier was sworn in and testified in support of the request. She confirmed that the lot contributed sediment and erosion to the lake previously but it has been corrected by the construction of the new retaining walls. She feels that the improvements were an asset to the lake and the environment. She feels the complaint that started the investigation was rooted in a personal grievance and not out of concern for the environment.

   Bowers was sworn in and he explained his recommendations in the staff report. All construction occurred without permits. After Molski was notified of his need to apply it was revealed during the evaluation of the request that a variance would be necessary to authorize the deck and retaining walls. The lower deck measures 55 feet to the lake and a 59.692 permit would only authorize up to 200 square feet of encroachment inside of the 75 foot setback line. The lower deck contains 480 square feet. He feels a better solution is to remove the lower deck, fix or replace the upper deck and plant grass or lay sod in place of the lower deck. The railing that is affixed to the retaining wall can remain. The variance should be granted for the retaining walls as they lend to soil stabilization and to remove them would only lead to greater soil disruption. A walkway could also be constructed to provide access into the walkout basement in place of the lower deck. Impervious surfaces have not yet been exceeded. The lower deck is also considered an impervious surface that increases runoff potentials.

   The Board discussed problems with after the fact requests and the message it sends to the public. They felt that there should be consequences to building without necessary permits.

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

   Motion by Hornischer, seconded by no one to approve in part the variance for keeping the retaining walls but removing the lower deck. Died for lack of second.

   Motion by Adams, seconded by Steffenhagen to approve the variance as requested.

   3 ayes one nay, motion carried.

5. Adjourn – Motion by Steffenhagen, seconded by Adams to adjourn at 11:18 a.m. Motion carried all ayes.